

AUG 29 1991

REPLY TO: 6W-ET

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 773 287 766)

Mr. Jack B. Tillman
Area Manager
U.S. Department of Energy
Los Alamos, New Mexico 87544

1 - Permit/CD
2 - AO & AO matl **FFCA**
3 - DMR's
4 - Vic. Sum. Log
5 - NCR
6 - Correspondence
7 - CRAS
Date Filed
Clerk's Inits.

Re: NPDES Permit No. NM0028355
Federal Facilities Compliance Agreement (FFCA), Docket No. VI-91-1328

Dear Mr. Tillman:

This is in response to your letter from Mr. Tiedman, Associate Director of Los Alamos National Laboratory (LANL) of February 15, 1991. The letter requested new compliance schedules, Waste Stream Identification and Characterization Schedule, and new Interim Limits be added to the current FFCA with DOE. The request has been approved and enclosed are two (2) signed originals of the FFCA with the new Schedule and Interim Limits added as requested. Please sign and date the agreements and return one to EPA. Also enclosed is a copy of the AO with LANL which has been revised accordingly.

If you have any questions concerning this agreement, you may call
Ms. Dianne Ratkey at (214) 655-6470.

Sincerely yours,

bcc: R. File (6W-E)

/s/ Kenton Kirkpatrick

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosures: 2 FFCA's & 1 AO

cc: Mr. Jim Platt, Acting Chief
Surface Water Quality Bureau
New Mexico Environmental Improvement
Division
P.O. Box 968
Santa Fe, New Mexico 87504-0968

Mr. Allen J. Tiedman
Associate Director of Operations
University of California
P.O. Box 1663, Mailstop 111
Los Alamos, New Mexico 87544

6W-ET:DRATKEY:db:1tr:x6470:08/14/91:DM9:(03015)
CONCURRENCES

SYMBOL	6W-ET	6W-E	KAT		
SURNAME	Graham	Hartung	8/28/91		
DATE	8/4	8/4	6C-AW		

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 6

U.S. DEPARTMENT OF ENERGY
LOS ALAMOS NATIONAL
LABORATORY
LOS ALAMOS AREA OFFICE

and

U.S. ENVIRONMENTAL PROTECTION
AGENCY, REGION 6

FEDERAL FACILITY
COMPLIANCE AGREEMENT

DOCKET NO. VI-91-1328

The Environmental Protection Agency, Region 6 (hereinafter Region 6), and the Department of Energy (hereinafter DOE), Los Alamos Area Office, are the parties to this agreement which is entered into pursuant to Executive Order 12088, October 13, 1978 [43 FR 47707]. The Office of Management and Budget and the Department of Justice will take cognizance of this agreement pursuant to their respective duties to assure compliance with the environmental laws under Executive Order 12088 and the particular statutes herein addressed.

1. SCOPE

- A. DOE owns the facility known as the Los Alamos National Scientific Laboratory (hereinafter the Laboratory). The Laboratory is operated by the University of California (UC) under contract with DOE.
- B. This agreement is entered into by the parties to assure compliance by DOE with the Clean Water Act (CWA) [33 U.S.C. § 1251, et seq.] and implementing regulations, including the National Pollutant Discharge Elimination System (NPDES) Permit No. NM0028355 issued to UC and DOE.
- C. This agreement is not and shall not be construed as a permit under the CWA nor shall it relieve DOE or the UC of any legal obligations under the CWA which are in addition to or different from matters covered in this agreement.

II. AUTHORITIES

The duties of DOE and the UC are to assure that the wastewater treatment facilities are in compliance with the CWA are prescribed in Section 313 of the Clean Water Act [33 U.S.C. § 1323]. Executive Order 12088 was promulgated to ensure Federal compliance with applicable pollution control standards. This agreement contains a "plan," as described in Section 1-601 of Executive Order 12088, to achieve and maintain compliance with applicable water pollution control standards for the DOE facilities.

III. STATEMENT OF FACTS

The following facilities are owned by DOE, and operated by the UC, under contract with DOE:

Sanitary and Industrial Wastewater Treatment Plants, NPDES Permit No. NM0028355, currently produce effluents that cannot continually meet the current NPDES permit requirements. The schedule set forth in Attachment 1 contemplate achievement of compliance with this permit upon completion of construction projects with targeted construction start dates as shown in the schedule. The projects consist of new construction and rehabilitation of existing facilities.

IV. COMPLIANCE SCHEDULE

The compliance schedule set forth in Attachment I is intended to achieve compliance as expeditiously as practicable, pursuant to Section 1-601 of Executive Order 12088. The attachment is incorporated into and made a part of this agreement. The schedule was determined after consultation between DOE and Region 6. The schedule contains interim requirements reflecting

design drawing submittal dates, bidding, contract award, construction completion, and start-up dates. DOE will make a good-faith effort to comply with the schedule and, wherever reasonably possible, will expedite the schedule.

V. FUNDING

DOE shall request all funds and/or authorizations through the appropriate channels necessary to achieve the compliance schedule. Steps to be taken in seeking funding shall be consistent with Sections 1-4 and 1-5 of Executive Order 12088 as implemented by the Office of Management and Budget Circular A-106 (as amended). The schedule is subject to obtaining the requisite funds and/or authorizations for the particular programs and Laboratory divisions involved.

VI. REPORTING REQUIREMENTS

- A. DOE shall submit a quarterly progress report by the last day of each calendar quarter beginning on March 31, 1989, and until the final compliance date as set forth in the compliance schedule. The progress reports will also include the status of compliance with the waste stream Identification and Characterization Schedule and be submitted to Region 6 and the New Mexico Environmental Improvement Division. The progress reports shall indicate compliance or noncompliance with the schedules. In the event of noncompliance, the report shall include the cause of noncompliance and any remedial actions taken. If delay is anticipated in meeting any schedule date, DOE shall immediately notify Region 6, in writing, of the anticipated delay, describing in detail the anticipated length of delay, the precise cause of the delay, the measures taken by DOE

to prevent or minimize the delay and the time the time table by which the corrective measures shall be implemented.

The UC and DOE will take reasonable action to minimize any delay.

However, if DOE believes delay is unavoidable, the EPA Region 6 Water Management Division Director and the DOE Area Manager shall undertake to negotiate, in good faith, a revised compliance schedule. If they fail to agree upon a revised schedule, the EPA Water Management Division Director shall determine what schedule shall apply. If the DOE disagree with this determination, the conflict resolution procedure described herein shall control.

- B. In the event there is an amendment of the CWA, or changes to the regulations promulgated under those statutes, the discharge limits and compliance schedule may be renegotiated to reflect these changes. Such renegotiation shall be governed by Executive Order 12088. During the pendency of any renegotiation, the attached compliance schedule, to the extent it does not conflict with statutory or regulatory changes, shall remain in effect unless specifically waived by Region 6.
- C. On the date for final compliance, as shown in the schedule, compliance with applicable permit requirements must be demonstrated by testing and positive reporting of the achievement of compliance, rather than by the mere completion of construction of pollution abatement facilities.

D. Upon the demonstration of compliance by DOE, there will be a continuing obligation to comply with applicable permit requirements under the CWA. These requirements are embodied in the UC and DOE NPDES permit under the CWA.

VII. CONFLICT RESOLUTION

In the event of any conflict involving violations of this agreement, Region 6 and DOE will attempt to resolve the differences. If the differences cannot be resolved by the parties, the procedures in Sections 1-602, 1-603, and 1-604 of Executive Order 12088 shall apply.

VIII. SANCTIONS

In the event of violations of the terms of this agreement by DOE, enforcement procedures established by the CWA are available as enforcement mechanisms.

This agreement in no way modifies Section 504 of the CWA. The effective date of this agreement is the date it is signed by DOE.

Date: _____

Signed: _____

Jack B. Tillman
Area Manager
Los Alamos Area Office
Department of Energy

Date: _____

Signed: _____

Myron O. Knudson, P.E.
Director
Water Management Division
Environmental Protection Agency
Region 6

Attachment I

DISCHARGE LIMITS AND COMPLIANCE SCHEDULE
FOR
SANITARY AND INDUSTRIAL WASTEWATER TREATMENT PLANTS

A. Current NPDES Permit Limits

<u>Effluent Characteristic</u>	<u>Discharge Limitation</u>		
	Daily Avg. (lbs/day)	Daily Avg. (mg/l)	Daily Max. (mg/l)
<u>Outfall 02A (Industrial Discharge)</u>			
Flow (MGD)	N/A	Report	Report
TSS	N/A	30	100
Total Copper	N/A	1.00	1.00
Total Iron	N/A	10	40
Total Phosphorus	N/A	20	40
Sulfite (as SO ₃)	N/A	35	70
Total Chromium	N/A	Report	Report
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 03A</u>			
Oil		Not Permitted	
Total Phosphorus	N/A	5.0	5.0
<u>Outfall 05A (Industrial Discharge)</u>			
Flow (MGD)	N/A	Report	Report
Chemical Oxygen Demand (COD)	N/A	150	250
Total Suspended Solids (TSS)	N/A	30	45
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 01S</u>			
Fecal Coliform (FC) Bacteria colonies/100 ml	N/A	1000	2000
<u>Outfall 04S (Sanitary Discharge)</u>			
Flow (MGD)	N/A	Report	Report
Biochemical Oxygen Demand (BOD ₅)	0.5	30	45, 7-day avg.
TSS	0.5	30	90, 7-day avg.
pH	N/A	6.0 min.	9.0 max.

Outfall 05S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD ₅	1.9	30	45, 7-day avg.
TSS	1.9	30	45, 7-day avg.
pH	N/A	6.0 min.	9.0 max.

Outfall 09S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD ₅	2.3	30	45, 7-day avg.
TSS	2.3	30	45, 7-day avg.
pH	N/A	6.0 min.	9.0 max.

Outfall 10S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD	1.4	30	45, 7-day avg.
TSS	1.4	30	90, 7-day avg.
pH	N/A	6.0, min.	9.0, max.

Outfall 12S

BOD	1.3	30	45
TSS	1.3	30	45
pH	6.0 s.u., min.		9.0 s.u., max.

B. Interim Effluent Limits

The following limits shall be in effect until the final compliance date specific outfall in the compliance schedule:

Effluent Characteristics

Discharge Limitation		
Daily Avg. (lbs/day)	Daily Avg. (mg/l)	Daily Max. (mg/l)

Outfall 02A

Flow (MGD)	N/A	Report	Report
TSS	N/A	180	250
Total Iron	N/A	20	60
Total Copper	N/A	2	2
Total Phosphorus	N/A	30	60
Sulfite (As SO ₃)	N/A	45	80

Total Chromium	N/A	Report	Report s.u.
pH		6.0 s.u. min.	9.0 s.u. max.
pH/Outfall 02A-007		6.0 s.u. min	11.5 s.u. max.

Outfall 03A

Total phosphorus	N/A	20	40
Oil (Outfall 03A-023, Storm Drain)		Trace Allowable	

Outfall 05A

Flow (MGD)	N/A	Report	Report
COD	N/A	650	1000
TSS	N/A	60	90
pH	N/A	6.0 s.u., min. 9.0 s.u., max.	

Outfall 04S

Flow (MGD)	N/A	Report	Report
BOD ₅	2.5	100	175, 7-day avg.
TSS	2.5	100	200, 7-day avg.
pH	N/A	5.5 s.u. min.	11.5 s.u., max.

Outfall 05S

Flow (MGD)	N/A	Report	Report
BOD	12.5	100	175, 7-day avg.
TSS	12.5	150	200, 7-day avg.
pH	N/A	5.5 s.u. min. 11.5 s.u. max.	

Outfall 09S

Flow (MGD)	N/A	Report	Report
BOD ₅	94	100	175, 7-day avg.
TSS	94	150	200, 7-day avg.
pH		5.5 s.u. min. 11.5 s.u. max.	

Outfall 10S

Flow (MGD)	N/A	Report	Report
BOD	94	100	175, 7-day avg.
TSS	94	150	200, 7-day avg.
pH	N/A	5.5 s.u. min. 11.5 s.u. max.	

Outfall 12S

BOD	2.5	100	175, 7-day avg.
TSS	2.5	100	200, 7-day avg.
pH	N/A		5.5 s.u. min. 11.5 s.u. max.

UC and DOE will continue to report all values on the monthly discharge monitoring reports, as well as, noncompliance notification if these limits are exceeded. The existing treatment facilities will be operated at maximum efficiency to achieve interim limits to the maximum extent possible during the period prior to the compliance date identified.

C. Compliance Schedule

The following milestone dates (the last date of the months identified) are the agreed dates by which the specified activities will be completed:

Outfall 02A

Final design complete	December, 1988
Advertisement of Construction contract	February, 1989
Award of construction contract	April, 1989
Construction completion	September, 1989
In compliance with final limits	October, 1989 (Completed)

Outfall 02A - 007

Final design complete	April 1, 1991 (Completed)
Construction completion	September, 1991
In compliance with final limits	October, 1991

Outfall 03A

Study Complete	September, 1991
Corrective Actions Complete	March, 1992
In Compliance with Final Limits	July, 1992

Outfall 03A-023

Complete Waste Stream Characterization	
Storm Drainage System	October, 1991
Complete Other Corrective Actions	October, 1991
In Compliance with Final Limits	January, 1992

Outfall 05A

Final design complete	December, 1988
Advertisement of construction contract	February, 1989
Award of construction contract	April, 1989
Construction completion	August, 1989
In compliance with final limits	October, 1989 (Completed)

Outfall 04S

Final design complete	June, 1990 (Completed)
Advertisement of construction contract	September, 1990 (Completed)
Award of construction contract	December, 1990 (Completed)
Construction completion	January, 1992
Special facilities completion and facility start-up ...	June, 1992
In compliance with final limits	July, 1992

Outfall 05S

Final design complete	August 1990 (Completed)
Advertisement of construction contract	September 1990 (Completed)
Award of construction contract	December 1990 (Completed)
Construction completion	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits	July 1992

Outfall 09S

Final design complete	March 1991 (Completed)
Advertisement of construction contract	January 1992
Award of construction contract	March 1992

Construction completion July 1992
 Special facilities completion and facility start-up ... July 1992
 In compliance with final limits August 1992

Outfall 10S

Final design complete June 1990
 (Completed)
 Advertisement of construction contract September 1990
 (Completed)
 Award of construction contract December 1990
 (Completed)
 Construction completion January 1992
 Special facilities completion and facility start-up ... June 1992
 In compliance with final limits July 1992

Outfall 125Phase IPhase II

Final Design Complete	July 1990 (Completed)	November 1990 (Completed)
Advertisement of		
Construction	September 1990 (Completed)	March 1991 (Completed)
Award of Contract	December 1990 (Completed)	May, 1991 (Completed)
Construction Completion	June 1992	June, 1992
In Compliance with		
Final Limits	July 1992	N/A

SCHEDULE FOR WASTE STREAM
IDENTIFICATION AND CHARACTERIZATION

<u>Sanitary Outfalls/Industrial Categories</u> (Number of outfalls in parentheses)		<u>Completion Date</u>
01A	TA-3 Power Plant (1)-100% Complete	October, 1991
02A	Boiler Blowdown (2)-100%	
05A	H.E. Wastewater (21)-50%	October, 1991
06A	Photo Wastewater (13)-100%	
128	Printed Circuit Board (1)-100%	
03A	Treated Cooling Water (40)-100%	January, 1992
04A	Non-Contract Cooling Water (49)-50%	
05A	H.E. Wastewater (21)-100%	April, 1992
02S	TA-9 Lagoon (1)-100%	
03S	TA-16 Treatment Plant (1)-100%	
01S	TA-3 Treatment plant (1)-100%	July, 1992
051	TA-50 Rad Treatment Plant (1)-50%	
07S	TA-46N Lagoons (1)-100%	October, 1992
12S	TA-46S Lagoons (1)-100%	
04S	TA-18 Lagoons (1)-100%	January, 1993
10S	TA-35 Lagoons (1)-100%	
09S	TA-53 Lagoons (1)-100%	April, 1993
04A	Non-Contact Cooling Water (49)-100%	July, 1993
051	TA-50 Rad Treatment Plant (1)-100%	
05S	TA-21 Treatment Plant (1)-100%	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DEC 19 1990

REPLY TO: 6W-ET

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 341 527 712)

Mr. Allen J. Tiedman
Associate Director for Operations
University of California
Los Alamos National Laboratory
Los Alamos, New Mexico 87545

Re: Administrative Order Docket No. VI-91-067
NPDES Permit No. NM0028355

Dear Mr. Tiedman:

Violation of an NPDES permit requires the Environmental Protection Agency (EPA) to take appropriate enforcement action to assure compliance. Pursuant to the Clean Water Act (33 U.S.C. § 1251 et seq.), the enclosed Administrative Order is hereby served on you and the Los Alamos National Laboratory for the violations described therein.

Compliance with the provisions of this Order is expected within the maximum time periods established by each part of the Order. Your cooperation and prompt attention will be appreciated. In response hereto, please reference Docket No. VI-91-067 and your NPDES permit number, and send correspondence to the attention of Ms. Gladys Gooden-Jackson (6W-EAT). Failure to reach a satisfactory solution to this matter will result in a referral to the United States Department of Justice for judicial action with monetary fines or an EPA administrative penalty.

It is the policy of EPA to achieve full compliance with the NPDES permit program as rapidly as possible. This office is prepared to help you in any way it can. If you have any questions, please contact Mr. Bob Hiller, EPA, Dallas, Texas at (214) 655-6475.

Sincerely yours,

Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosure

cc: SEE NEXT PAGE

1 - Permit/CD
2 - AO & AO mail
3 - DM's
4 - Vio. Sum. Log
5 - NCR
6 - Correspondence
7 - CRAS
Data Filed
Clerk's Inits.

6W-ET:BHILLER:ce:AE00 AE1A:x6475:12/6/90:A03:(00795)

CONCURRENCES					
SYMBOL	6W-ET	6W-E	6C-ET	6W-ET	
SURNAME	Graham	Hartung	Collins	Sperry	
DATE	12/16	12/10	12/24/90	12/7/90	12/14

cc: Mr. Jim Piatt, Acting Chief
Surface Water Bureau
New Mexico Environmental Improvement
Division
P.O. Box 968
Santa Fe, New Mexico 87504-0968

Mr. Jerry L. Bellows
Acting Area Manager
U.S. Department of Energy
Los Alamos Area Office
Los Alamos, New Mexico 87544

bcc: Ellison (6W-EA)x2
Meacham (6X)
Goetz (6X)
Read File (6W-EA)
Ayers (6E-H)
Hiller (6W-ET)
Gair (EN-338)
Highland (6E-FF)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF

LOS ALAMOS NATIONAL LABORATORY

PROCEEDINGS UNDER SECTION 309(a)(3),
CLEAN WATER ACT,

[33 U.S.C. § 1319(a)(3)],

In RE: NPDES PERMIT NO. NM0028355

DOCKET NO. VI-91-067

ADMINISTRATIVE ORDER

The following FINDINGS are made and Order issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (EPA) by the above referenced statute (hereinafter the Act) and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6.

I.

The University of California, management contractor for operation of the Los Alamos National Laboratory (hereinafter the co-permittee) is a duly authorized discharger at the Department of Energy owned facility, the mailing address for which is the Los Alamos National Laboratory, Los Alamos, New Mexico 87545.

II.

Pursuant to the authority of Section 402(a)(1) of the Act, 33 U.S.C. § 1342, Region 6 issued National Pollutant Discharge Elimination System (NPDES) Permit No. NM0028355 to the co-permittee on January 30, 1990, with an effective date of February 28, 1990. The permit authorizes the discharge of specified qualities and quantities of effluent to various tributaries of the Rio Grande. The permit also requires the submission of Discharge Monitoring Reports (DMRs) and Noncompliance Reports.

III.

Part I.A. of the permit places certain limitations on the quantity and quality of effluent discharged by the co-permittee. The relevant limitations follow:

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			
	<u>Daily Avg.</u> lbs/day	<u>Daily Max.</u> lbs/day	<u>Daily Avg.</u> mg/l	<u>Daily Max.</u> mg/l
<u>Outfall 03A</u>				
Oil		Not Permitted		
Free Available Chlorine	N/A	N/A	0.2	0.5
<u>Outfall 07S</u>				
Biochemical Oxygen Demand (BOD ₅)	1.3	N/A	30	45
Total Suspended Solids (TSS)	1.3	N/A	30	45
pH	6.0 s.u., min.		9.0 s.u., max.	
<u>Outfall 01S</u>				
Fecal Coliform (FC) Bacteria colonies/100 ml	N/A	N/A	1000	2000
<u>Outfall 02A</u>				
pH	6.0 s.u., min.		9.0 s.u., max.	
<u>Outfall 03A</u>				
Total Phosphorus	N/A	N/A	5.0	5.0

IV.

FINDINGS OF VIOLATION

Based on information provided to EPA by the co-permittee, the Regional Administrator, through the Director of the Water Management Division, finds that the co-permittee has violated Part I.A. of the permit as follows.

<u>Date</u>	<u>Outfall</u>	<u>Parameter</u>	<u>Permit Limit</u>	<u>Permit Violation</u>
11/1/90	03A	Oil	not permitted	oily sheen
10/25/90	03A	Oil	not permitted	oily sheen
10/15/90	03A	Free Cl ₂ , max.	0.5 mg/l	0.69 mg/l
10/5/90	03A	Oil	not permitted	oily sheen

9/28/90	07S	BOD ₅ ,	max.	45 mg/l	180 mg/l
9/28/90	07S	TSS,	max.	90 mg/l	105 mg/l
9/28/90	07S	pH,	max.	9.0 s.u.	9.9 s.u.
9/28/90	01S	FC,	max.	2000/100 ml	1,200,000/100 ml
9/21/90	02A	pH,	max.	9.0 s.u.	9.5 s.u.
8/27/90	03A	Phosphorus,	max.	5.0 mg/l	12.1 mg/l
8/13/90	03A	Phosphorus,	max.	5.0 mg/l	7.4 mg/l
8/8/90	03A	Phosphorus,	max.	5.0 mg/l	9.5 mg/l
8/6/90	03A	Phosphorus,	max.	5.0 mg/l	8.59 mg/l

V.

Issuance of this Order does not preclude the pursuit of additional enforcement action including additional administrative penalty orders, and/or civil or criminal judicial actions for the violations cited herein. If an EPA administrative penalty order is issued or a judicial action is initiated by the U.S. Department of Justice, you will be subject to a monetary fine.

ORDER

Based on the foregoing FINDINGS OF VIOLATION and pursuant to the authority vested in the Administrator under Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6, it is ordered:

A. That the co-permittee, within thirty (30) days of the effective date of this Order, shall take whatever corrective action is necessary to eliminate and prevent recurrence of the effluent violations cited in the FINDINGS OF VIOLATION. In addition, the co-permittee shall, within thirty (30) days of the effective date of this Order, submit a report detailing the specific

actions taken and why such actions are sufficient to prevent recurrence of the effluent violations.

B. In the event the co-permittee believes that complete correction of the previously cited noncomplying discharges is not physically possible within thirty (30) days of the effective date of this Order, the co-permittee shall submit, within thirty (30) days of the effective date of this Order, a comprehensive plan for the expeditious elimination and prevention of such noncomplying discharges. Such plan shall provide for specific corrective actions to be taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible.

The effective date of this Order shall be the date it is received by the co-permittee.

DATED: This **DEC 19 1990** day of _____, 1990.

/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

JUL 12 1990

REPLY TO: 6W-ET

Mr. Jack B. Tillman
Area Manager
U.S. Department of Energy
Los Alamos, New Mexico 87544

Re: NPDES Permit No. NM0028355
Federal Facilities Compliance Agreement (FFCA), Docket No. VI-90-1240

Dear Mr. Tillman:

This is in response to your letter of May 25, 1990, regarding the appropriateness of including the University of California as a signatory to the above referenced FFCA.

EPA's Federal Facilities Compliance Strategy (the "Yellow Book") dated November 1988 states in paragraph B.2.b., page VI-14 that "Most environmental statutes authorize enforcement response to be pursued against either facility owners, operators, or both to correct violations of environmental law ... There may be cases where it will be more appropriate to direct enforcement responses to these other parties, or to both the non-Federal party and the Federal Agency ... EPA's initial enforcement responses at GOCO facilities is influenced by a number of factors including: ... and other factors which may determine where enforcement response will yield the most expeditious return to compliance and deterrence for future violations. ... In certain situations, it may be appropriate to pursue enforcement actions against both the private contractor and the involved Federal agency." (Emphasis added.) Since the University of California is a co-permittee with the Department of Energy for the Los Alamos National Laboratory and is the non-Federal operator of the Federal Facility (GOCO) we believe it appropriate to pursue enforcement action against both the private contractor and the involved Federal Agency. Also, since the FFCA is the mechanism to address violations with other Federal agencies, we believe it is appropriate to include the University as signatory to the FFCA. We also find no provision in the "Yellow Book" prohibiting their inclusion as a signatory to the FFCA.

However, your letter of May 25 requests that the University not be a signatory to the FFCA and we will therefore agree to delete the University from signatory to the Agreement. I hope this will enable us to conclude discussions and execute the FFCA.

6W-ET: BHILLER: cefx6475:7/2/90:A015:(02834)

CONCURRENCES

SYMBOL	6W-ET	6W-ET					
SURNAME	Graham	Hartung					
DATE	7/9	7/9	7/12				

Enclosed are two (2) signed originals of the revised agreement without the University as signatory. Please execute these and return one for our records.

Since we have now deleted the University from the FFCA, we will pursue enforcement action against the non-Federal co-permittee through our routine administrative process for responding to violations by non-Federal entities.

Enclosed is a copy of the Administrative Order (AO) issued to the University for effluent violations at the wastewater treatment facilities. We also ask for your complete cooperation in working with the University to correct the violations and return the facility to compliance as quickly as possible.

In your May 13 letter, you also stated that you might desire to discuss seeking an extension to the scheduled completion date. If you desire to discuss an extension to the compliance schedules, we will be happy to discuss that with you. It is important that compliance be attained as soon as possible.

The AO to the University is effective on the day that it was received by the University.

If you have any further questions regarding this matter, you may call Mr. Bob Hiller at (214) 655-6475.

Sincerely yours,

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosures

cc: Ms. Kathleen M. Sisneros
Chief, Surface Water Bureau
New Mexico Environmental Improvement
Division
P.O. Box 966
Santa Fe, New Mexico 87504-0968

Mr. Allen J. Tiedman
Associate Director of Operations
University of California
P.O. Box 1663, Mailstop A-120
Los Alamos, New Mexico 87545

bcc: R. File (6W-E)
Gaines (6W-E) 6W-324
Oldham (6W)

U.S. DEPARTMENT OF ENERGY
LOS ALAMOS NATIONAL
SCIENTIFIC LABORATORY
LOS ALAMOS AREA OFFICE

U.S. ENVIRONMENTAL PROTECTION
AGENCY, REGION 6

DOCKET NO. VI-90-1240

I. SCOPE

- A. DOE owns the facility known as the Los Alamos National Scientific Laboratory (hereinafter the Laboratory). The Laboratory is operated by University of California (UC) under contract with DOE.
- B. This agreement is entered into by the parties to assure compliance by DOE with the Clean Water Act (CWA) [33 U.S.C. § 1251, et seq.] and implementing regulations, including the National Pollutant Discharge Elimination System (NPDES) Permit No. NM0028355 issued to UC and DOE.
- C. This agreement is not and shall not be construed as a permit under the CWA nor shall it relieve DOE or the UC of any legal obligations under the CWA which are in addition to or different from matters covered in this agreement.

II. AUTHORITIES

The duties of DOE and the UC are to assure that the wastewater treatment facilities are in compliance with the CWA are prescribed in Section 313 of the Clean Water Act [33 U.S.C. § 1323]. Executive Order 12088 was promulgated to ensure Federal compliance with applicable pollution control standards. This agreement contains a "plan," as described in Section 1-601 of Executive Order 12088, to achieve and maintain compliance with applicable water pollution control standards for the DOE facilities.

III. STATEMENT OF FACTS

The following facilities are owned by DOE, and operated by the UC, under contract with DOE:

Sanitary and Industrial Wastewater Treatment Plants, NPDES Permit No. NM0028355, currently produce effluents that cannot continually meet the current NPDES permit requirements. The schedule set forth in Attachment 1 contemplate achievement of compliance with this permit upon completion of construction projects with targeted construction start dates as shown in the schedule. The projects consist of new construction and rehabilitation of existing facilities.

IV. COMPLIANCE SCHEDULE

The compliance schedule set forth in Attachment I is intended to achieve compliance as expeditiously as practicable, pursuant to Section 1-601 of Executive Order 12088. The attachment is incorporated into and made a part of this agreement. The schedule was determined after consultation between DOE and Region 6. The schedule contains interim requirements reflecting

design drawing submittal dates, bidding, contract award, construction completion, and start-up dates. DOE will make a good-faith effort to comply with the schedule and, wherever reasonably possible, will expedite the schedule.

V. FUNDING

DOE shall request all funds and/or authorizations through the appropriate channels necessary to achieve the compliance schedule. Steps to be taken in seeking funding shall be consistent with Sections 1-4 and 1-5 of Executive Order 12088 as implemented by the Office of Management and Budget Circular A-106 (as amended). The schedule is subject to obtaining the requisite funds and/or authorizations for the particular programs and Laboratory divisions involved.

VI. REPORTING REQUIREMENTS

- A. DOE shall submit a quarterly progress report by the last day of each calendar quarter beginning on March 31, 1989, and until the final compliance date as set forth in the schedule. The progress reports will be submitted to Region 6 and the New Mexico Environmental Improvement Division. The progress reports shall indicate compliance or noncompliance with the schedule. In the event of noncompliance, the report shall include the cause of noncompliance and any remedial actions taken. If delay is anticipated in meeting any schedule date, DOE shall immediately notify Region 6, in writing, of the anticipated delay, describing in detail the anticipated length of delay, the precise cause of the delay, the measures taken by DOE to prevent or minimize the delay and the time

the time table by which the corrective measures shall be implemented.

The UC and DOE will take reasonable action to minimize any delay.

However, if DOE believes delay is unavoidable, the EPA Region 6 Water Management Division Director and the DOE Area Manager shall undertake to negotiate, in good faith, a revised compliance schedule. If they fail to agree upon a revised schedule, the EPA Water Management Division Director shall determine what schedule shall apply. If the DOE disagree with this determination, the conflict resolution procedure described herein shall control.

- B. In the event there is an amendment of the CWA, or changes to the regulations promulgated under those statutes, the discharge limits and compliance schedule may be renegotiated to reflect these changes. Such renegotiation shall be governed by Executive Order 12088. During the pendency of any renegotiation, the attached compliance schedule, to the extent it does not conflict with statutory or regulatory changes, shall remain in effect unless specifically waived by Region 6.
- C. On the date for final compliance, as shown in the schedule, compliance with applicable permit requirements must be demonstrated by testing and positive reporting of the achievement of compliance, rather than by the mere completion of construction of pollution abatement facilities.
- D. Upon the demonstration of compliance by DOE, there will be a continuing obligation to comply with applicable permit requirements under

the CWA. These requirements are embodied in the UC and DOE NPDES permit under the CWA.

VII. CONFLICT RESOLUTION

In the event of any conflict involving violations of this agreement, Region 6 and DOE will attempt to resolve the differences. If the differences cannot be resolved by the parties, the procedures in Sections 1-602, 1-603, and 1-604 of Executive Order 12088 shall apply.

VIII. SANCTIONS

In the event of violations of the terms of this agreement by DOE, enforcement procedures established by the CWA are available as enforcement mechanisms.

This agreement in no way modifies Section 504 of the CWA. The effective date of this agreement is the date it is signed by DOE.

Date: _____

Signed: _____
Jack B. Tillman
Area Manager
Los Alamos Area Office
Department of Energy

Date: _____

Signed: _____
Myron O. Knudson, P.E.
Director
Water Management Division
Environmental Protection Agency
Region 6

Attachment I

DISCHARGE LIMITS AND COMPLIANCE SCHEDULE
FOR
SANITARY AND INDUSTRIAL WASTEWATER TREATMENT PLANTS

A. Current NPDES Permit Limits

<u>Effluent Characteristic</u>	<u>Discharge Limitation</u>		
	Daily Avg. (lbs/day)	Daily Avg. (mg/l)	Daily Max. (mg/l)
<u>Outfall 02A (Industrial Discharge)</u>			
Flow (MGD)	N/A	Report	Report
TSS	N/A	30	100
Total Copper	N/A	1.00	1.00
Total Iron	N/A	10	40
Total Phosphorus	N/A	20	40
Sulfite (as SO ₃)	N/A	35	70
Total Chromium	N/A	Report	Report
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 05A (Industrial Discharge)</u>			
Flow (MGD)	N/A	Report	Report
Chemical Oxygen Demand (COD)	N/A	150	250
Total Suspended Solids (TSS)	N/A	30	45
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 04S (Sanitary Discharge)</u>			
Flow (MGD)	N/A	Report	Report
Biochemical Oxygen Demand (BOD ₅)	0.5	30	45, 7-day avg.
TSS	0.5	30	90, 7-day avg.
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 05S (Sanitary Discharge)</u>			
Flow (MGD)	N/A	Report	Report
BOD ₅	1.9	30	45, 7-day avg.
TSS	1.9	30	45, 7-day avg.
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 09S (Sanitary Discharge)</u>			
Flow (MGD)	N/A	Report	Report
BOD ₅	2.3	30	45, 7-day avg.
TSS	2.3	30	45, 7-day avg.
pH	N/A	6.0 min.	9.0 max.

Outfall 10S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD	1.4	30	45, 7-day avg.
TSS	1.4	30	90, 7-day avg.
pH	N/A	6.0, min.	9.0, max.

B. Interim Effluent Limits

The following limits shall be in effect until the final compliance date in the compliance schedule:

Effluent CharacteristicsDischarge Limitation

Daily Avg. (lbs/day)	Daily Avg. (mg/l)	Daily Max. (mg/l)
-------------------------	----------------------	----------------------

Outfall 02A

Flow (MGD)	N/A	Report	Report
TSS	N/A	180	250
Total Iron	N/A	20	60
Total Copper	N/A	2	2
Total Phosphorus	N/A	30	60
Sulfite (As SO ₃)	N/A	45	80
Total Chromium	N/A	Report	Report
pH		6.0 min.	9.0 max.

Outfall 05A

Flow (MGD)	N/A	Report	Report
COD	N/A	650	1000
TSS	N/A	60	90
pH	N/A	6.0 min.	9.0 max.

Outfall 04S

Flow (MGD)	N/A	Report	Report
BOD ₅	2.5	100	175, 7-day avg.
TSS	2.5	100	200, 7-day avg.
pH	N/A	5.5 min.	11.5 max.

Outfall 05S

Flow (MGD)	N/A	Report	Report
BOD	12.5	100	175, 7-day avg.
TSS	12.5	150	200, 7-day avg.
pH	N/A	5.5 min.	11.5 max.

Outfall 09S

Flow (MGD)	N/A	Report	Report
BOD ₅	94	100	175, 7-day avg.
TSS	94	150	200, 7-day avg.
pH		5.5 min.	11.5 max.

Outfall 10S

Flow (MGD)	N/A	Report	Report
BOD	94	100	175, 7-day avg.
TSS	94	150	200, 7-day avg.
pH	N/A	5.5 min.	11.5 max.

UC and DOE will continue to report all values on the monthly discharge monitoring reports, as well as, noncompliance notification if these limits are exceeded. The existing treatment facilities will be operated at maximum efficiency to achieve interim limits to the maximum extent possible during the period prior to the compliance date identified.

C. Compliance Schedule

The following milestone dates (the last date of the months identified) are the agreed dates by which the specified activities will be completed:

Outfall 02A

Final design complete	December 1988
Advertisment of construction contract	February 1989
Award of construction contract	April 1989
Construction completion	September 1989
In compliance with final limits	October 1989
	Completed

Outfall 05A

Final design complete	December 1988
Advertisement of construction contract	February 1989
Award of construction contract	April 1989
Construction completion	August 1989
In compliance with final limits	October 1989
	Completed

Outfall 04S

Final design complete	June 1990
Advertisement of construction contract	September 1990
Award of construction contract	December 1990
Construction completion	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits	July 1992

Outfall 05S

Final design complete	August 1990
Advertisement of construction contract	September 1990
Award of construction contract	December 1990
Construction completion	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits	July 1992

Outfall 09S

Final design complete	August 1990
Advertisement of construction contract	September 1990
Award of construction contract	December 1990
Construction completion	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits	July 1992

Outfall 10S

Final design complete	June 1990
Advertisement of construction contract	September 1990
Award of construction contract	December 1990
Construction completion	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits	July 1992

APR 25 1990

Mr. Jack B. Tillman
Area Manager
Department of Energy
Los Alamos Area Office
Los Alamos, New Mexico 87544

- ☒ 1 - Permit/CD
- ☒ 2 - AO & AO mail
- ☒ 3 - DMF's
- ☒ 4 - Vic. Sum. Log
- ☒ 5 - MCR
- ☒ 6 - Correspondence
- ☒ 7 - CRAS
- ☒ Date Filed
- ☒ Clerk's Initials

Re: NPDES Permit No. NM0028355
Federal Facility Compliance Agreement (FFCA)
Docket No. VI-90-1240

Dear Mr. Tillman:

Enclosed are three (3) revised signed originals of the FFCA with EPA for your review and signature. These revised versions of the original agreement, dated February 7, 1989, reflect the changes in wording that you have requested and wording changes that EPA has added in accordance with the new NPDES permit. This revision also includes necessary changes to the interim limits for Outfalls 04S and 09S and adds compliance schedules with interim limits for Outfalls 05S and 10S as requested in your correspondence dated February 26, 1990.

Please sign and date each of the three (3) originals in the places provided for DOE and the University of California and return one to EPA.

If you have any questions concerning the agreement, you may contact Mr. Bob Hiller at (214) 655-6475.

Sincerely yours,

/s/ Kenton Kirkpatrick

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosures

cc: Ms. Kathleen M. Sisneros
Chief, Surface Water Bureau
New Mexico Environmental Improvement Division
P.O. Box 968
Santa Fe, New Mexico 87504-0968

Mr. Allen J. Tiedman
University of California

Associate Director of Operations

SYMBOL	NAME	NAME	NAME	NAME	NAME	NAME
	Graham	Harlung	Corley			
	4/9	4/9	4/9			

OFFICIAL FILE COPY

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 6

LOS ALAMOS NATIONAL
SCIENTIFIC LABORATORY
LOS ALAMOS, NEW MEXICO

and

U.S. ENVIRONMENTAL PROTECTION
AGENCY, REGION 6

FEDERAL FACILITY
COMPLIANCE AGREEMENT

DOCKET NO. VI-90-1240

The Environmental Protection Agency, Region 6 (hereinafter Region 6), and the Department of Energy (hereinafter DOE), Los Alamos Area Office, and the regents of the University of California (hereinafter UC), are the parties to this agreement which is entered into pursuant to Executive Order 12088, October 13, 1978 [43 FR 47707]. The Office of Management and Budget and the Department of Justice will take cognizance of this agreement pursuant to their respective duties to assure compliance with the environmental laws under Executive Order 12088 and the particular statutes herein addressed.

I. SCOPE

- A. DOE owns the facility known as the Los Alamos National Scientific Laboratory (hereinafter the Laboratory). The Laboratory is operated by UC under contract with DOE.
- B. This agreement is entered into by the parties to assure compliance by UC and DOE with the Clean Water Act (CWA) [33 U.S.C. § 1251, et seq.] and implementing regulations, including the National Pollutant Discharge Elimination System (NPDES) Permit No. NH0028355 issued to UC and DOE.
- C. This agreement is not and shall not be construed as a permit under the CWA nor shall it relieve DOE or the UC of any legal obligations under the CWA which are in addition to or different from matters covered in this agreement.

II. AUTHORITIES

The duties of DOE are to assure that the wastewater treatment facilities are in compliance with the CWA are prescribed in Section 313 of the Clean Water Act [33 U.S.C. § 1323]. Executive Order 12088 was promulgated to ensure Federal compliance with applicable pollution control standards. This agreement contains a "plan," as described in Section 1-601 of Executive Order 12088, to achieve and maintain compliance with applicable water pollution control standards for the DOE facilities.

III. STATEMENT OF FACTS

The following facilities are owned by DOE, and operated by the UC, under contract with DOE:

Sanitary and Industrial Wastewater Treatment Plants, NPDES Permit No. NM0028355, currently produce effluents that cannot continually meet the current NPDES permit requirements. The schedule set forth in Attachment 1 contemplate achievement of compliance with this permit upon completion of construction projects with targeted construction start dates as shown in the schedule. The projects consist of new construction and rehabilitation of existing facilities.

IV. COMPLIANCE SCHEDULE

The compliance schedule set forth in Attachment 1 is intended to achieve compliance as expeditiously as practicable, pursuant to Section 1-601 of Executive Order 12088. The attachment is incorporated into and made a part of this agreement. The schedule was determined after consultation between the UC, DOE, and Region 6. The schedule contains interim requirements reflecting

design drawing submittal dates, bidding, contract award, construction completion, and start-up dates. UC and DOE will make a good-faith effort to comply with the schedule and, wherever reasonably possible, will expedite the schedule.

V. FUNDING

DOE shall request all funds and/or authorizations through the appropriate channels necessary to achieve the compliance schedule. Steps to be taken in seeking funding shall be consistent with Sections 1-4 and 1-5 of Executive Order 12088 as implemented by the Office of Management and Budget Circular A-106 (as amended). The schedule is subject to obtaining the requisite funds and/or authorizations for the particular programs and Laboratory divisions involved.

VI. REPORTING REQUIREMENTS

A. UC and DOE shall submit a quarterly progress report by the last day of each calendar quarter beginning on March 31, 1989, and until the final compliance date as set forth in the schedule. The progress reports will be submitted to Region 6 and the New Mexico Environmental Improvement Division. The progress reports shall indicate compliance or noncompliance with the schedule. In the event of noncompliance, the report shall include the cause of noncompliance and any remedial actions taken. If delay is anticipated in meeting any schedule date, UC and DOE shall immediately notify Region 6, in writing, of the anticipated delay, describing in detail the anticipated length of delay, the precise cause of the delay, the measures taken by UC and DOE to prevent or minimize the

delay and the time table by which the measures shall be implemented. The UC and DOE will take reasonable action to minimize any delay.

However, if DOE believes delay is unavoidable, the EPA Region 6 Water Management Division Director and the UC Associate Director of Support and the DOE Area Manager shall undertake to negotiate, in good faith, a revised compliance schedule. If they fail to agree upon a revised schedule, the EPA Water Management Division Director shall determine what schedule shall apply. If the UC or DOE disagree with this determination, the conflict resolution procedure described herein shall control.

- B. In the event there is an amendment of the CWA, or changes to the regulations promulgated under those statutes, the discharge limits and compliance schedule may be renegotiated to reflect these changes. Such renegotiation shall be governed by Executive Order 12088. During the pendency of any renegotiation, the attached compliance schedule, to the extent it does not conflict with statutory or regulatory changes, shall remain in effect unless specifically waived by Region 6.
- C. On the date for final compliance, as shown in the schedule, compliance with applicable permit requirements must be demonstrated by testing and positive reporting of the achievement of compliance, rather than by the mere completion of construction of pollution abatement facilities.
- D. Upon the demonstration of compliance by UC and DOE, there will be a continuing obligation to comply with applicable permit requirements under

the CWA. These requirements are embodied in the UC and DOE NPDES permit under the CWA.

VII. CONFLICT RESOLUTION

In the event of any conflict involving violations of this agreement, Region 6 UC and DOE will attempt to resolve the differences. If the differences cannot be resolved by the parties, the procedures in Sections 1-602, 1-603, and 1-604 of Executive Order 12088 shall apply.

VIII. SANCTIONS

- A. In the event of violations of the terms of this agreement by UC or DOE, enforcement procedures established by the CWA are available as enforcement mechanisms.
- B. Provided the attached Compliance Schedule and Interim Limits are met, this agreement is considered to be in lieu of any other EPA enforcement action with regard to the facilities and deficiencies named in Attachment 1.

This agreement in no way modifies Section 504 of the CWA. The effective date of this agreement is the date it is signed by UC and DOE.

Date: _____

Signed: _____

Allen J. Tiedman
Associate Director of Operations
University of California

Date: _____

Signed: _____

Jack B. Tillman
Area Manager
Los Alamos Area Office
Department of Energy

APR 25 1990

Date: _____

Signed: _____

/s/ Kenton Kirkpatrick

Myron O. Knudson, P.E.
Director
Water Management Division
Environmental Protection Agency
Region 6

Attachment 1

DISCHARGE LIMITS AND COMPLIANCE SCHEDULE
FOR
SANITARY AND INDUSTRIAL WASTEWATER TREATMENT PLANTS

A. Current NPDES Permit Limits

<u>Effluent Characteristic</u>	<u>Discharge Limitation</u>		
	Daily Avg. (lbs/day)	Daily Avg. (mg/l)	Daily Max. (mg/l)
<u>Outfall 02A (Industrial Discharge)</u>			
Flow (MGD)	N/A	Report	Report
TSS	N/A	30	100
Total Copper	N/A	1.00	1.00
Total Iron	N/A	10	40
Total Phosphorus	N/A	20	40
Sulfite (as SO ₃)	N/A	35	70
Total Chromium	N/A	Report	Report
pH	N/A	6.0 min.	9.0 max.

Outfall 05A (Industrial Discharge)

Flow (MGD)	N/A	Report	Report
Chemical Oxygen Demand (COD)	N/A	150	250
Total Suspended Solids (TSS)	N/A	30	45
pH	N/A	6.0 min.	9.0 max.

Outfall 04S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
Biochemical Oxygen Demand (BOD ₅)	0.5	30	45, 7-day avg.
TSS	0.5	30	90, 7-day avg.
pH	N/A	6.0 min.	9.0 max.

Outfall 05S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD ₅	1.9	30	45, 7-day avg.
TSS	1.9	30	45, 7-day avg.
pH	N/A	6.0 min.	9.0 max.

Outfall 09S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD ₅	2.3	30	45, 7-day avg.
TSS	2.3	30	45, 7-day avg.
pH	N/A	6.0 min.	9.0 max.

Outfall 10S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD	1.4	30	45, 7-day avg.
TSS	1.4	30	90, 7-day avg.
pH	N/A	6.0, min.	9.0, max.

B. Interim Effluent Limits

The following limits shall be in effect until the final compliance date in the compliance schedule:

Effluent CharacteristicsDischarge Limitation

Daily Avg. (lbs/day)	Daily Avg. (mg/l)	Daily Max. (mg/l)
-------------------------	----------------------	----------------------

Outfall 02A

Flow (MGD)	N/A	Report	Report
TSS	N/A	180	250
Total Iron	N/A	20	60
Total Copper	N/A	2	2
Total Phosphorus	N/A	30	60
Sulfite (As SO ₃)	N/A	45	80
Total Chromium	N/A	Report	Report
pH		6.0 min.	9.0 max.

Outfall 05A

Flow (MGD)	N/A	Report	Report
COD	N/A	650	1000
TSS	N/A	60	90
pH	N/A	6.0 min.	9.0 max.

Outfall 04S

Flow (MGD)	N/A	Report	Report
BOD ₅	2.5	100	175, 7-day avg.
TSS	2.5	100	200, 7-day avg.
pH	N/A	5.5 min.	11.5 max.

Outfall 05S

Flow (MGD)	N/A	Report	Report
BOD	12.5	100	175, 7-day avg.
TSS	12.5	150	200, 7-day avg.
pH	N/A	5.5 min.	11.5 max.

Outfall 09S

Flow (MGD)	N/A	Report	Report
BOD ₅	94	100	175, 7-day avg.
TSS	94	150	200, 7-day avg.
pH		5.5 min.	11.5 max.

Outfall 10S

Flow (MGD)	N/A	Report	Report
BOD	94	100	175, 7-day avg.
TSS	94	150	200, 7-day avg.
pH	N/A	5.5 min.	11.5 max.

UC and DOE will continue to report all values on the monthly discharge monitoring reports, as well as, noncompliance notification if these limits are exceeded. The existing treatment facilities will be operated at maximum efficiency to achieve interim limits to the maximum extent possible during the period prior to the compliance date identified.

C. Compliance Schedule

The following milestone dates (the last date of the months identified) are the agreed dates by which the specified activities will be completed:

Outfall 02A

Final design complete	December 1988
Advertisement of construction contract	February 1989
Award of construction contract	April 1989
Construction completion	September 1989
In compliance with final limits	October 1989
	Completed

Outfall 05A

Final design complete	December 1988
Advertisement of construction contract	February 1989
Award of construction contract	April 1989
Construction completion	August 1989
In compliance with final limits	October 1989
	Completed

Outfall 04S

Final design complete	June 1990
Advertisement of construction contract	September 1990
Award of construction contract	December 1990
Construction completion	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits	July 1992

Outfall 05S

Final design complete	August 1990
Advertisement of construction contract	September 1990
Award of construction contract	December 1990
Construction completion	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits	July 1992

Outfall 09S

Final design complete	August 1990
Advertisement of construction contract	September 1990
Award of construction contract	December 1990
Construction completion	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits	July 1992

Outfall 10S

Final design complete	June 1990
Advertisement of construction contract	September 1990
Award of construction contract	December 1990
Construction completion	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits	July 1992

JUN 25 1990

REPLY TO: 6W-ET

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 176 161 326)

Mr. Allen J. Tiedman
Associate Director for Operations
Los Alamos National Laboratory
Los Alamos, New Mexico 87545

Re: Administrative Order Docket No. VI-90-1041
NPDES Permit No. NM0028355

Dear Mr. Tiedman:

Violation of an NPDES permit requires the Environmental Protection Agency (EPA) to take appropriate enforcement action to assure compliance. Pursuant to the Clean Water Act (33 U.S.C. § 1251 et seq.), the enclosed Administrative Order is hereby served on you and the Los Alamos National Laboratory for the violations described therein.

Compliance with the provisions of this Order is expected within the maximum time periods established by each part of the Order. Your cooperation and prompt attention will be appreciated. Failure to reach a satisfactory solution to this matter at the meeting referenced under the ORDER portion of this document will result in an EPA administrative penalty or a referral within 120 days to the United States Department of Justice for judicial action with monetary fines. In response hereto, please reference Docket No. VI-90-1041 NPDES permit number, and send correspondence to the attention of Ms. Gladys Jackson (6W-EAT).

It is the policy of EPA to achieve full compliance with the NPDES permit program as rapidly as possible. This office is prepared to help you in any way it can. If you have any questions, please contact Mr. Bob Hiller, EPA, Dallas, Texas at (214) 655-6475.

Sincerely yours,

/s/ Kenton Kirkpatrick
Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosure

cc: SEE NEXT PAGE

1 - Permit/CD
2 - AO & AO matl
3 - DMR's
4 - Vio. Sum. Log
5 - NCR
6 - Correspondence
7 - CRAS
Date Filed
Clerk's Init.

cc: Mr. Jack B. Tillman
Area Manager, Department of Energy
Los Alamos Area Office

Ms. Kathleen M. Sisneros
Chief, Surface Water Bureau
New Mexico Environmental Improvement

bcc: Gair (EN-338)
Gibson (6W-EA)
Ellison (6W-EA)
Meacham (6X)
Goetz (6X)
Read File (6W-EA)
Ayers (6E-H)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF	§	DOCKET NO. VI-90-1041
	§	
LOS ALAMOS NATIONAL LABORATORY	§	
	§	
PROCEEDINGS UNDER SECTION 309(a)(3),	§	
CLEAN WATER ACT,	§	
[33 U.S.C. § 1319(a)(3)],	§	ADMINISTRATIVE ORDER
In RE: NPDES PERMIT NO. NM0028355	§	

The following FINDINGS are made and Order issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (EPA) by the above referenced statute (hereinafter the Act) and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6.

I.

The University of California, management contractor for operation of the Los Alamos National Laboratory, (hereinafter the co-permittee) is a duly authorized discharger at the Department of Energy owned facility, the mailing address for which is the Los Alamos National Laboratory, Los Alamos, New Mexico 87545.

II.

Pursuant to the authority of Section 402(a)(1) of the Act, 33 U.S.C. § 1342, Region 6 issued National Pollutant Discharge Elimination System (NPDES) Permit No. NM0028355 to the co-permittee on January 30, 1990, with an effective date of February 28, 1990. The permit authorizes the discharge of specified qualities and quantities of effluent to various tributaries of the Rio Grande. The permit also requires the submission of Discharge Monitoring Reports (DMRs) and Noncompliance Reports.

III.

Part I.A. of the permit places certain limitations on the quantity and quality of effluent discharged by the co-permittee. The relevant limitations follow:

Outfall 01A:

Effluent Characteristics

Discharge Limitations

pH, standard units (s.u.)

6.0 s.u. min.

9.0 s.u. max.

IV.

FINDINGS OF FACT

On May 20-21, 1990, three pH excursions occurred from a sulfuric acid discharge at outfall 01A. The excursions were reported to EPA by phone on May 20, 1990, at 3:00 p.m. and by fax on May 25, 1990, at 4:04 p.m.

A New Mexico Environmental Improvement Division (NMEID) investigation of the excursions was conducted on May 21, 1990.

V.

FINDINGS OF VIOLATION

Based on information provided to EPA by the Co-permittee and the NMEID, the Regional Administrator, through the Director of the Water Management Division, finds that the co-permittee has violated Part I.A. of the permit as follow:

A. That the co-permittee, within thirty (30) days of the effective date of this Order, shall take whatever corrective action is necessary to eliminate and prevent recurrence of the pH excursions cited in the FINDINGS OF VIOLATION. In addition, the co-permittee shall, within thirty (30) days of the effective date of this Order, submit a report detailing the specific actions taken and why such actions are sufficient to prevent recurrence of the pH excursions.

B. That the co-permittee appear at the Region 6 offices of the United States EPA, 1445 Ross Avenue, 12th Floor, Dallas, Texas, before the undersigned or designee, to show cause why the co-permittee has not complied with the mandate of Section 301 of the Act and to show cause why the EPA should not take further enforcement action against the co-permittee.

C. The co-permittee shall arrange a meeting with EPA to be held before July 13, 1990. The co-permittee shall submit all written material relevant to the previously mentioned issues on which it intends to make its showing at least ten (10) days prior to the scheduled meeting. Concurrently with such material, the co-permittee shall submit to the EPA any proposed compliance schedule for achieving complete compliance with the permit.

To arrange the meeting and to provide any comments or questions concerning this matter, please contact Mr. Bob Hiller of our office at telephone (214) 655-6475.

<u>Date/Time</u>	<u>Quantity</u>	<u>Violation</u>
May 20, 1990 7:00 a.m. - 12:00 noon	18,000 gallons discharged	pH Range, 1.4 s.u. - 5.9 s.u.
May 20, 1990 6:00 p.m. - 8:00 p.m.	2,000 gallons discharged	pH Range, 3.9 s.u. - 5.9 s.u.
May 21, 1990 10:00 a.m. - 12 noon	15,000 gallons discharged	pH Range, 2.2 s.u. 5.9 s.u. 9.1 s.u. - 10.1 s.u.

VI.

Issuance of this Order does not preclude the pursuit of additional enforcement action including additional administrative penalty orders, and/or civil or criminal judicial actions for the violations cited herein. Failure to reach a satisfactory solution to this matter at the meeting referenced under the ORDER portion of this document will result in an EPA administrative penalty or referral to the U.S. Department of Justice for judicial action with monetary fines.

ORDER

Based on the foregoing FINDINGS OF VIOLATION and pursuant to the authority vested in the Administrator under Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6, it is ordered:

The effective date of this Order shall be the date it is received by the Permittee.

DATED: This JUN 25 1990 day of _____, 1990.

/s/ Kenton Kirkpatrick

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

6W 1/9 1990

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 176 166 150)

Mr. Allen J. Tiedman
Associate Director of Operations
Los Alamos National Laboratory
P.O. Box 1663, Mailstop A-120
Los Alamos, New Mexico 87545

Coded 8/8/90

Re: NPDES Permit No. NM0028355
Administrative Order Docket No. VI-90-1263

Dear Mr. Tiedman:

Violation of an NPDES permit requires the Environmental Protection Agency (EPA) to take appropriate enforcement action to assure compliance. Pursuant to the Clean Water Act (33 U.S.C. § 1251 et seq.), the enclosed Administrative Order is hereby served on you and the University of California for the violations described therein.

Compliance with the provisions of this Order is expected within the maximum time periods established by each part of the Order. Your cooperation and prompt attention will be appreciated. In response hereto, please reference Docket No. VI-90-1263 and your NPDES permit number, and send correspondence to the attention of Ms. Gladys Gooden-Jackson (6W-EAT). Failure to reach a satisfactory solution to this matter will result in a referral to the United States Department of Justice for judicial action with monetary fines or an EPA administrative penalty.

This Administrative Order contains the same interim limits and schedules for compliance as the Federal Facilities Compliance Agreement Docket No. VI-90-1240, with the Department of Energy, copy enclosed.

It is the policy of EPA to achieve full compliance with the NPDES permit program as rapidly as possible. This office is prepared to help you in any way it can. If you have any questions, please contact Mr. Bob Hiller, EPA, Dallas, Texas at (214) 655-6475.

Sincerely yours,

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosures

cc: SEE NEXT PAGE

- 1 - Permit/CD
- 2 - AO & AO matl
- 3 - DMR's
- 4 - Vic. Sum. Log
- 5 - NCR
- 6 - Correspondence
- 7 - CRAS
- Date Filed
- Clerk's Infs.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

JUL 19 1990

IN THE MATTER OF

LOS ALAMOS NATIONAL LABORATORY

PROCEEDINGS UNDER SECTION 309(a)(3),
CLEAN WATER ACT,

[33 U.S.C. § 1319(a)(3)]

In RE: NPDES PERMIT NO. NM0028355

DOCKET NO. VI-90-1263

ADMINISTRATIVE ORDER

The following FINDINGS are made and Order issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (EPA) by the above referenced statute (hereinafter the Act) and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6.

I.

The University of California, management contractor for operation of the Los Alamos National Laboratory (hereinafter the co-permittee) is a duly authorized discharger at the Department of Energy owned facility, the mailing address for which is the Los Alamos National Laboratory, Los Alamos, New Mexico 87545.

II.

Pursuant to the authority of Section 402(a)(1) of the Act 33 U.S.C. § 1342, Region 6 issued National Pollutant Discharge Elimination System (NPDES) Permit No. NM0028355 to the Permittee on January 30, 1990, with an effective date of February 28, 1990. The permit authorizes the discharge of specified qualities and quantities of effluent to various tributaries of the Rio Grande. The permit also requires the submission of Discharge Monitoring Reports (DMRs) and Noncompliance Reports.

III.

PERMIT FINDINGS

Part I.A. of the permit places certain limitations on the quantity and the quality of the effluent discharged by the Permittee. The relevant limitations follow:

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>		
	Daily Avg. (lbs/day)	Daily Avg. (mg/l)	Daily Max. (mg/l)
<u>Outfall 02A (Industrial Discharge)</u>			
Flow (MGD)	N/A	Report	Report
TSS	N/A	30	100
Total Copper	N/A	1.00	1.00
Total Iron	N/A	10	40
Total Phosphorus	N/A	20	40
Sulfite (as SO ₃)	N/A	35	70
Total Chromium	N/A	Report	Report
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 05A (Industrial Discharge)</u>			
Flow (MGD)	N/A	Report	Report
Chemical Oxygen Demand (COD)	N/A	150	250
Total Suspended Solids (TSS)	N/A	30	45
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 04S (Sanitary Discharge)</u>			
Flow (MGD)	N/A	Report	Report
Biochemical Oxygen Demand (BOD ₅)	0.5	30	45, 7-day avg.
TSS	0.5	30	90, 7-day avg.
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 05S (Sanitary Discharge)</u>			
Flow (MGD)	N/A	Report	Report
BOD ₅	1.9	30	45, 7-day avg.
TSS	1.9	30	45, 7-day avg.
pH	N/A	6.0 min.	9.0 max.

Outfall 09S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD ₅	2.3	30	45, 7-day avg.
TSS	2.3	30	45, 7-day avg.
pH	N/A	6.0 min.	9.0 max.

Outfall 10S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD	1.4	30	45, 7-day avg.
TSS	1.4	30	90, 7-day avg.
pH	N/A	6.0, min.	9.0, max.

IV.

FINDINGS OF FACT

Sanitary and industrial wastewater treatment plants, NPDES Permit No. WM0028355 cannot continually comply with the effluent limits in the permit. This Order establishes interim limits and schedules for compliance with the permit effluent limits. The co-permittee has requested interim limits while upgrading the existing treatment facilities.

V.

Issuance of this Order does not preclude the pursuit of additional enforcement action including additional administrative penalty orders, and/or civil or criminal judicial actions for the violations cited herein. If an EPA administrative penalty order is issued or a judicial action is initiated by the U.S. Department of Justice, you will be subject to a monetary fine.

ORDER

Based on the foregoing FINDINGS OF VIOLATION and pursuant to the authority vested in the Administrator under Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6, it is ordered:

A. That the co-permittee efficiently operate and maintain the existing treatment works, so as to discharge effluent which does not exceed the following INTERIM LIMITATIONS:

B. Interim Effluent Limits

The following limits shall be in effect until the final compliance date in the compliance schedule:

Effluent Characteristics

Discharge Limitation

Daily Avg. (lbs/day)	Daily Avg. (mg/l)	Daily Max. (mg/l)
-------------------------	----------------------	----------------------

Outfall 02A

Flow (MGD)	N/A	Report	Report
TSS	N/A	180	250
Total Iron	N/A	20	60
Total Copper	N/A	2	2
Total Phosphorus	N/A	30	60
Sulfite (As SO ₃)	N/A	45	80
Total Chromium	N/A	Report	Report
pH		6.0 min.	9.0 max.

Outfall 05A

Flow (MGD)	N/A	Report	Report
COD	N/A	650	1000
TSS	N/A	60	90
pH	N/A	6.0 min.	9.0 max.

8/1/90 -
07/31/92

Outfall 04S

Flow (MGD)
BOD₅
TSS
pH

N/A
2.5
2.5
N/A

Report
100
100
5.5 min.

Report
175, 7-day avg.
200, 7-day avg.
11.5 max.

Outfall 05S

Flow (MGD)
BOD
TSS
pH

N/A
12.5
12.5
N/A

Report
100
150
5.5 min.

Report
175, 7-day avg.
200, 7-day avg.
11.5 max.

Outfall 09S

Flow (MGD)
BOD₅
TSS
pH

N/A
94
94

Report
100
150
5.5 min.

Report
175, 7-day avg.
200, 7-day avg.
11.5 max.

Outfall 10S

Flow (MGD)
BOD
TSS
pH

N/A
94
94
N/A

Report
100
150
5.5 min.

Report
175, 7-day avg.
200, 7-day avg.
11.5 max.

B. The following milestone dates (the last date of the months identified)
are the dates by which the specified activities will be completed:

Outfall 02A

Final design complete	December 1988
Advertisement of construction contract	February 1989
Award of construction contract	April 1989
Construction completion	September 1989
In compliance with final limits	October 1989
	Completed

Outfall 05A

Final design complete	December 1988
Advertisement of construction contract	February 1989
Award of construction contract	April 1989
Construction completion	August 1989
In compliance with final limits	October 1989
	Completed

Outfall 04S

Final design complete	June 1990
Advertisement of construction contract	September 1990
Award of construction contract	December 1990
Construction completion	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits	July 1992

Outfall 05S

Final design complete	August 1990
Advertisement of construction contract	September 1990
Award of construction contract	December 1990
Construction completion	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits	July 1992

Outfall 09S

Final design complete	August 1990
Advertisement of construction contract	September 1990
Award of construction contract	December 1990
Construction completion	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits	July 1992

Outfall 10S

Final design complete	June 1990
Advertisement of construction contract	September 1990
Award of construction contract	December 1990
Construction completion	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits	July 1992

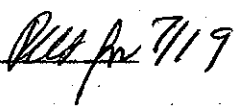
C. The co-permittee will submit quarterly progress reports beginning September 30, 1990, and continue quarterly until the final compliance date of the compliance schedule.

D. That the Permittee shall report all instances of noncompliance with interim effluent limitations in Part A above, in accordance with Part II.D. of NPDES Permit No. NM0028355. During the effective period of this Order, the Permittee need not report instances of noncompliance with those effluent in Part I.A. of the permit for which interim effluent limitations are provided herein. Failure to comply with the interim effluent limitations, constitutes a violation of this Order and the NPDES permit.

E. That all other terms and conditions of the permit are effective as issued and require full compliance.

The effective date of this Order shall be the date it is received by the co-permittee.

DATED: This JUL 19 1990 day of _____, 1990.



Myron O. Knudson, P.E.
Director
Water Management Division (6W)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

APR 21 1992

REPLY TO: 6W-ET

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 435 987 088)

Mr. Allen J. Tiedman
Associate Director for Operations
University of California
Los Alamos National Laboratory
Los Alamos, New Mexico 87545

Re: Administrative Order Docket No. VI-92-0157
NPDES Permit No. NM0028355

Dear Mr. Tiedman:

Violation of an NPDES permit requires the Environmental Protection Agency (EPA) to take appropriate enforcement action to assure compliance. Pursuant to the Clean Water Act (33 U.S.C. § 1251 et seq.), the enclosed Administrative Order is hereby served on you and the Los Alamos National Laboratory for the violations described therein.

Compliance with the provisions of this Order is expected within the maximum time periods established by each part of the Order. Your cooperation and prompt attention will be appreciated. In response hereto, please reference Docket No. VI-92-0157 and your NPDES permit number, and send correspondence to the attention of Ms. Gladys Gooden-Jackson (6W-EAT). The violations cited in the referenced Order could result in the issuance of an EPA administrative penalty order or referral to the United States Department of Justice for judicial action with monetary fines.

It is the policy of EPA to achieve full compliance with the NPDES permit program as rapidly as possible. This office is prepared to help you in any way it can. If you have any questions, please contact Ms. Dianne Ratkey, EPA, Dallas, Texas at (214) 655-6470.

Sincerely yours,

/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosure

cc: SEE NEXT PAGE

6W-ET:DRATKEY:4/2/92:AE00&E1A:1521:mmc-3a:4/1/92

6W-ET

6W-E

6C-AW

6C-WT

		CONCURRENCES					
SYMBOL	NAME	DATE	NAME	DATE	NAME	DATE	NAME
Graham	Graham	4/8	James	4/17			

1 - Permit/CD
2 - AO & AO matl
3 - DMR's
4 - Via. Sum. Log
5 - NCR
6 - Correspondence
7 - CRAS
8 - Gate Filed
9 - Clerk's Inits.

cc: Mr. Jim Piatt, Chief
Surface Water Quality Bureau
New Mexico Environment Department

bcc: Ellison (6W-EA)
Ratkey (6W-ET)
Meacham (6X)
Read File (6W-EA)
Gair (EN-338)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF	§	DOCKET NO. VI-92-0157
	§	
UNIVERSITY OF CALIFORNIA	§	
	§	
PROCEEDINGS UNDER SECTION 309(a)(3),	§	
CLEAN WATER ACT,	§	
[33 U.S.C. § 1319(a)(3)],	§	ADMINISTRATIVE ORDER
In RE: NPDES PERMIT NO. NM0028355	§	

The following FINDINGS are made and Order issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (EPA) by the above referenced statute (hereinafter the Act) and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6.

I.

The University of California, management contractor for operation of the Los Alamos National Laboratory (hereinafter the Co-permittee) is a duly authorized discharger at the Department of Energy owned facility located in the State of New Mexico and the mailing address for which is University of California, Los Alamos National Laboratory, Los Alamos, New Mexico 87545.

II.

Pursuant to the authority of Section 402(a)(1) of the Act, 33 U.S.C. § 1342, Region 6 issued National Pollutant Discharge Elimination System (NPDES) Permit No. NM0028355 to the Permittee on January 30, 1990, with an effective date of February 28, 1990. The permit authorizes the discharge of specified qualities and quantities of effluent to receiving waters of various tributaries of the Rio Grande River. The permit also requires the submission of Discharge Monitoring Reports (DMRs) and Noncompliance Reports.

III.

Part II.B.1. of the permit requires that the Co-permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Co-permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by the Co-permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

Part II.C.1. of the permit requires that all samples and measurements taken as required by the permit shall be representative of the volume and nature of the monitored discharge.

Part II.C.8. of the permit requires that the Co-permittee shall retain records of all monitoring information, including calibration and maintenance records and all original strip chart recordings for continuous instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the permit, for a period of at least three (3) years from the date of the sample, measurement, report, or application.

IV.

FINDINGS OF FACT

On August 29-30, 1991, the New Mexico Environment Department (NMED) conducted an NPDES Compliance Inspection at Co-permittee's wastewater treatment facilities. The following deficiencies were noted by the inspector:

1. Several treatment units at the sanitary facilities were not functioning properly.
- 2.. Excessive amounts of foam and floating solids were being discharged from Outfall 01S.
3. Insufficient operation and maintenance records are kept for all treatment facilities.
4. Undisclosed and/or unidentified waste streams are being introduced into sanitary facilities which are permitted for domestic sewage.
5. These same problems had been noted during a May 23-24, 1990, Compliance Evaluation Inspection.

On November 19-20, 1991, the EPA conducted an NPDES Compliance Inspection at the Co-permittee's wastewater treatment facilities. The findings from that inspection form the basis of the violations cited in FINDINGS OF VIOLATION below.

V.

FINDINGS OF VIOLATION

Based on information provided by EPA, NMED, and the Co-permittee, the Regional Administrator, through the Director of the Water Management Division, finds that the Permittee has violated Parts II.B. and II.C. of the permit.

Part II.B.1. of the permit has been violated in that the Co-permittee has failed to properly operate and maintain all facilities and system of treatment and control (and related appurtenances) which are installed or used by the Co-permittee to achieve compliance with the conditions of the permit.

Specifically, the following deficiencies were noted at the time of the EPA inspection:

1. Pin floc was seen discharging over the clarifier weirs and excessive foam was noted in the "pit" after the chlorine contact basin prior to discharge at the TA-3 Sewage Treatment Plan (Outfall 01S).
2. The area associated with Outfall 02A needed to improve overall housekeeping procedures. In the area where chemicals are mixed, there was no provision to prevent drainage into the trough and then out for discharge. There was an unlabeled drum which was later determined to contain NaOH. There is a real potential for effluent contamination with the present housekeeping practices.
3. At all trickling filter plants throughout the laboratory, media growth was poor.
4. Poor housekeeping practices were evident throughout the facility.

Part II.C.1. of the permit has been violated in that the Co-permittee has implemented a sampling regime that has failed to ensure that all samples and measurements taken as required by the permit are representative of the volume and nature of the monitored discharge.

Part II.C.8. of the permit has been violated in that the Co-permittee has failed to maintain all records required by the permit. Specifically, the following deficiencies were noted:

1. Documentation for laboratory equipment calibration was confusing, particularly for the TSS oven. The laboratory was not verifying that the TSS oven was being adjusted to the correct temperature in order to carry out the analysis.
2. Operation logs for the process units were deficient in that personnel did not give adequate descriptions of areas of concern or potential problem spots. For example, there had been five (5) feet of sludge in the chlorine contact basin at the TA-3 plant. It could not be verified through the current maintenance records that the sludge had been removed and disposed.
3. Flow measurement records were not adequate to verify that the flow measurement devices were being maintained within the +/- 10% allowance. The records only indicated that the instrument had been calibrated.

VI.

Issuance of this Order does not preclude the pursuit of additional enforcement action including additional administrative penalty orders, and/or civil or criminal judicial actions for the violations cited herein. If an EPA administrative penalty order is issued or a judicial action is initiated by the U.S. Department of Justice, you will be subject to a monetary fine.

ORDER

Based on the foregoing FINDINGS OF VIOLATION and pursuant to the authority vested in the Administrator under Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6, it is ordered:

A. That the Co-permittee, within thirty (30) days of the effective date of this Order, shall take whatever corrective action is necessary to eliminate and prevent recurrence of the violations cited in the FINDINGS OF VIOLATION. In addition, the Co-permittee shall, within thirty (30) days of the effective date of this Order, submit a report detailing the specific actions taken and why such actions are sufficient to prevent recurrence of the violations.

B. In the event the Co-permittee believes that complete correction of the previously cited violations is not physically possible within thirty (30) days of the effective date of this Order, the Permittee shall submit, within thirty (30) days of the effective date of this Order, a two- part comprehensive plan for the expeditious elimination and prevention of such violations. Such plan shall provide for specific corrective actions to be taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible as well as pollution prevention measure that will keep the violations from recurring.

The effective date of this Order shall be the date it is received by the Co-permittee.

DATED: This APR 21 1992 day of _____, 1992.

/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

APR 06 1992

REPLY TO: 6W-ET

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 773 285 272)

Mr. Allen J. Tiedman
Associate Director for Operations
University of California
Los Alamos National Laboratory
Los Alamos, New Mexico 87545

Re: Administrative Order Docket No. VI-92-0140
NPDES Permit No. NM0028355

Dear Mr. Tiedman:

Violation of an NPDES permit requires the Environmental Protection Agency (EPA) to take appropriate enforcement action to assure compliance. Pursuant to the Clean Water Act (33 U.S.C. § 1251 et seq.), the enclosed Administrative Order is hereby served on you and Los Alamos National Laboratory for the violations described therein.

Compliance with the provisions of this Order is expected within the maximum time periods established by each part of the Order. Your cooperation and prompt attention will be appreciated. In response hereto, please reference Docket No. VI-92-0140 and your NPDES permit number, and send correspondence to the attention of Ms. Gladys Gooden-Jackson (6W-EAT). The violations cited in the referenced Order could result in the issuance of an EPA administrative penalty order or referral to the United States Department of Justice for judicial action with monetary fines.

It is the policy of EPA to achieve full compliance with the NPDES permit program as rapidly as possible. This office is prepared to help you in any way it can. If you have any questions, please contact Ms. Dianne Ratkey, EPA, Dallas, Texas at (214) 655-6470.

Sincerely yours,

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosure

SYMBOL		SURNAME		DATE		CONCURRENCES	
CC:	SEE NEXT PAGE						
6W-ET	D RATKEY:db:AE00	AE1K:x6470	03/19/92	DM10			
6W-ET		6C-A/W					

EPA Form 1320-1 (12-79)

1 - Permit/CD
2 - AO & AO matl
3 - DMR's
4 - Vio. Sum. Log
5 - NCR
6 - Correspondence
7 - CRAS
8 - Note Filed
9 - Clerk's Inits.

7-1-2 000-1000-0-508-411
OFFICE LIFE CGBA

cc: Mr. Jim Piatt, Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 968
Santa Fe, New Mexico 87504-0968

Mr. Jerry L. Bellows
Acting Area Manager
U.S. Department of Energy
Los Alamos Area Office
Los Alamos, New Mexico 87544

bcc: Ellison (6W-EA)x2
Meacham (6X)
Goetz (6X)
Read File (6W-EA)
Gair (EN-338)
Ratkey (6W-ET)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF

LOS ALAMOS NATIONAL LABORATORY

PROCEEDINGS UNDER SECTION 309(a)(3),
CLEAN WATER ACT,

[33 U.S.C. § 1319(a)(3)],

In RE: NPDES PERMIT NO. NM0028355

DOCKET NO. VI-92-0140

ADMINISTRATIVE ORDER

The following FINDINGS are made and Order issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (EPA) by the above referenced statute (hereinafter the Act) and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6.

I.

The University of California, management contractor for operation of the Los Alamos National Laboratory (hereinafter the Co-Permittee) is a duly authorized discharger at the Department of Energy owned facility located in the State of New Mexico, the mailing address for which is University of California, Los Alamos National Laboratory, Los Alamos, New Mexico 87545.

II.

Pursuant to the authority of Section 402(a)(1) of the Act, 33 U.S.C. § 1342, Region 6 issued National Pollutant Discharge Elimination System (NPDES) Permit No. NM0028355 to the Permittee on January 30, 1990, with an effective date of February 28, 1990. The permit authorizes the discharge of specified qualities and quantities of effluent to various tributaries of the Rio Grande. The permit also requires the submission of Discharge Monitoring Reports (DMRs) and Noncompliance Reports.

III.

Part I. A. of the permit places certain limitations on the quantity and quality of effluent discharged by the Permittee. The relevant limitations follow:

OUTFALL 01S

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			
	<u>Mass(lbs/day)</u>		<u>Other Units (Specify)</u>	
	Daily avg.	Daily max.	Daily avg.	Daily max.
Biochemical Oxygen Demand (BOD ₅)	102.2(225.2)	N/A	30 mg/l	45 mg/l
Total Suspended Solids (TSS)	102.2(225.2)	N/A	30 mg/l	45 mg/l
Fecal Coliform (FC) Bacteria colonies/100 ml	N/A	N/A	1000	2000

The pH shall not be less than 6.0 standard units (s.u.) nor greater than 9.0 s.u.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

OUTFALL 05A

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			
	<u>Mass(lbs/day)</u>		<u>Other Units (Specify)</u>	
	Daily avg.	Daily max.	Daily avg.	Daily max.
Chemical Oxygen Demand	N/A	N/A	150 mg/l	250 mg/l
TSS	N/A	N/A	30 mg/l	45 mg/l

The pH shall not be less than 6.0 s.u. nor greater than 9.0 s.u.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

OUTFALL 02A

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			
	<u>Mass(lbs/day)</u>		<u>Other Units (Specify)</u>	
	Daily avg.	Daily max.	Daily avg.	Daily max.
TSS	N/A	N/A	30 mg/l	100 mg/l
Total Iron	N/A	N/A	10 mg/l	40 mg/l
Total Copper	N/A	N/A	1 mg/l	1 mg/l
Total Phosphorus	N/A	N/A	20 mg/l	40 mg/l

Sulfite (as SO ₃)	N/A	N/A	35 mg/l	70 mg/l
Total Chromium	N/A	N/A	Report	Report

The pH shall not be less than 6.0 s.u. nor greater than 9.0 s.u.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

OUTFALL 03A

Effluent Characteristics	Discharge Limitations			
	Mass(lbs/day)		Other Units (Specify)	
	Daily avg.	Daily max.	Daily avg.	Daily max.
TSS	N/A	N/A	30 mg/l	100 mg/l
Free Available Chlorine	N/A	N/A	0.2 mg/l	0.5 mg/l
Total Phosphorus	N/A	N/A	5 mg/l	5 mg/l

The pH shall not be less than 6.0 s.u. nor greater than 9.0 s.u.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

OUTFALL 04S

Effluent Characteristics	Discharge Limitations			
	Mass(lbs/day)		Other Units (Specify)	
	Daily avg.	Daily max.	Daily avg.	Daily max.
BOD	0.2(0.5)	N/A	30 mg/l	45 mg/l
TSS	0.2(0.5)	N/A	30 mg/l	90 mg/l

The pH shall not be less than 6.0 s.u. nor greater than 9.0 s.u.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

OUTFALL 128

Effluent Characteristics	Discharge Limitations			
	Mass(lbs/day)		Other Units (Specify)	
	Daily avg.	Daily max.	Daily avg.	Daily max.
BOD	0.2(0.5)	N/A	30 mg/l	45 mg/l
TSS	0.2(0.5)	N/A	30 mg/l	90 mg/l

The pH shall not be less than 6.0 s.u. nor greater than 9.0 s.u.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

IV.

FINDINGS OF VIOLATION

Based on information provided by EPA and the Permittee, the Regional Administrator, through the Director of the Water Management Division, finds that the Permittee has violated Part I.A. of the permit.

Violation of Part I.A. of the permit - Recent effluent violations are as follow:

<u>Date</u>	<u>Outfall</u>	<u>Parameter</u>	<u>Violation</u>
4/91	01S 03A	FC, max.	21,400 col/100 ml
		Free Available Chlorine, avg.	0.24 mg/l
		Free Available Chlorine, max.	1.35 mg/l
6/91	05A	COD, avg.	343.33 mg/l
		COD, max.	1,010 mg/l
8/91	01S	Foam in greater than trace amounts	
	02A-007	Solids in greater than trace amounts	
	02A	TSS, avg.	31.00 mg/l
	03A	pH, min.	5.4 s.u.
	128	pH, max.	9.7 s.u.
9/91	02A	Total Phosphorous, avg.	46.99 mg/l
		Total Phosphorous, max.	115.00 mg/l
10/91	02A	Total Phosphorous, avg.	63.45 mg/l
		Total Phosphorous, max.	384.00 mg/l
		TSS, avg.	325.57 mg/l
		TSS, max.	1694 mg/l
11/91	02A	TSS, avg.	110.83 mg/l
		TSS, max.	451 mg/l
		pH, max.	9.8 s.u.
12/91	04S	TSS, loading	2.6 lbs/day

V.

Issuance of this Order does not preclude the pursuit of additional enforcement action including additional administrative penalty orders, and/or civil or criminal judicial actions for the violations cited herein. If an EPA administrative penalty order is issued or a judicial action is initiated by the U.S. Department of Justice, you will be subject to a monetary fine.

ORDER

Based on the foregoing FINDINGS OF VIOLATION and pursuant to the authority vested in the Administrator under Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6, it is ordered:

A. That the Permittee, within thirty (30) days of the effective date of this Order, shall take whatever corrective action is necessary to eliminate and prevent recurrence of the noncompliant discharges cited in the FINDINGS OF VIOLATION. In addition, the Permittee shall, within thirty (30) days of the effective date of this Order, submit a report detailing the specific actions taken and why such actions are sufficient to prevent recurrence of the noncompliant discharges.

B. In the event the Permittee believes that complete correction of the previously cited noncomplying discharges is not physically possible within thirty (30) days of the effective date of this Order, the Permittee shall submit, within thirty (30) days of the effective date of this Order, a

comprehensive plan for the expeditious elimination and prevention of such noncomplying discharges. Such plan shall provide for specific corrective actions to be taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible as well as pollution prevention measures that will keep the violations from recurring.

The effective date of this Order shall be the date it is received by the Permittee.

DATED: This APR 06 1992 day of _____, 1992.

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

APR 05 1991

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 341 528 236)

Mr. Allen J. Tiedman
Associate Director for Support
Los Alamos National Laboratory
Los Alamos, New Mexico 87545

Re: - Consent Agreement and Order Assessing
Administrative Penalties Docket No. VI-90-1642
NPDES Permit No. NM0028355

Dear Mr. Tiedman:

This is to acknowledge receipt of your letter dated March 1, 1991, transmitting the "Consent Agreement and Order Assessing Administrative Penalties" signed by yourself. As no comments were received from the general public during the thirty (30) day public notice period, the Environmental Protection Agency hereby issues this Final Consent Agreement and Order.

The Consent Agreement shall become effective thirty (30) days after the date of issuance noted therein. Penalty payment is due at that time.

If you have any questions regarding this matter, please contact Mr. Everett H. Spencer at telephone (214) 655-6475.

Sincerely yours,

/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosure

cc: Mr. Jim Piatt, Acting Chief
Surface Water Bureau
New Mexico Environmental
Improvement Division

1 - Permit/CD
2 - AO & AO matl
3 - DMR's
4 - Vis. Sum. Log
5 - NCR
6 - Correspondence
7 - CRAS
Date Filed
Clerk's Inits.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P P 341 528 236)

Mr. Allen J. Tiedman
Associate Director for Support
Los Alamos National Laboratory
Los Alamos, New Mexico 87545

Re: Consent Agreement and Order Assessing
Administrative Penalties Docket No. VI-90-1642
NPDES Permit No. NMO028355

Dear Mr. Tiedman:

This is to acknowledge receipt of your letter dated March 1, 1991, transmitting the "Consent Agreement and Order Assessing Administrative Penalties" signed by yourself. As no comments were received from the general public during the thirty (30) day public notice period, the Environmental Protection Agency hereby issues this Final Consent Agreement and Order.

The Consent Agreement shall become effective thirty (30) days after the date of issuance noted therein. Penalty payment is due at that time.

If you have any questions regarding this matter, please contact Mr. Everett H. Spencer at telephone (214) 655-6475.

Sincerely yours,

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosure

cc: Mr. Jim Piatt, Acting Chief
Surface Water Bureau
New Mexico Environmental
Improvement Division

6W-ET:ESPENCER:x6475:AE05:mmc-2:3/8/91:02050

6W-ET 6W-E 6C-A/W

	C. Graham	Hartung	Hughes	CONCURRENCES			
SYMBOL	<i>JS</i>	<i>Aug</i>	<i>KAF</i>	<i>MM</i>			
SURNAME	<i>13/28</i>	<i>4/1</i>	<i>4/2/91</i>	<i>4/3</i>			
DATE							

bcc: Gair (EN-338)
Lassiter (EN-338)
Ellison (6W-EA) x2
Meacham (6X)
Goetz (6X)
Read File (6W-E)
L. Vaughn (6C-G)
W. Davis (6M-CF)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF	§	DOCKET NO. VI-90-1642
	§	
UNIVERSITY OF CALIFORNIA	§	
LOS ALAMOS NATIONAL LABORATORY	§	
LOS ALAMOS, NEW MEXICO 87545	§	ASSESSMENT OF CLASS I
	§	ADMINISTRATIVE PENALTY
NPDES PERMIT NO. NM0028355	§	ON CONSENT UNDER CWA § 309(g)

CONSENT AGREEMENT AND ORDER
ASSESSING ADMINISTRATIVE PENALTIES

I. Statutory Authority

The following Findings are made and Consent Agreement issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 309(g) of the Clean Water Act (hereinafter the "Act"), 33 U.S.C. § 1319(g). The Administrator has delegated these authorities to the Regional Administrator of EPA Region 6, who hereby issues this Final Order.

II. Findings of Violation

Upon consent of the parties by their attorneys and authorized officials, the parties stipulate and the Administrator finds:

1. The University of California as operator of the Department of Energy owned Los Alamos National Scientific Laboratory, (hereinafter the "Respondent"), within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5), owns or operates a facility located at the Los Alamos National Laboratory, Los Alamos, New Mexico 87547, which discharge pollutants to the water course in Sandia Canyon from the TA 3 Power Plant, (Bldg. 2), navigable water of the United States within the meaning of Section 502 of the Act, 33 U.S.C. § 1362. Respondent is, therefore, subject to the provisions of the Act, 33 U.S.C. § 1251 et seq.

2. On October 11, 1990, EPA Region 6 issued to Respondent, and on or about October 15, 1990, notified the public of an administrative Complaint, Docket No. Vi-91-1642, which included formal findings of violation, notice of a proposed assessment of a civil penalty against Respondent, and notice of Respondent's opportunity to request a hearing on the proposed administrative penalty assessment.

3. On October 11, 1990, the State of New Mexico was given an opportunity to consult with EPA regarding the assessment of an administrative penalty against the Respondent.

4. The Respondent has violated Section 301, of the Act, 33 U.S.C. § 1311(a), by violating condition Part I.A. of NPDES Permit No. NM0028355, which condition implements Section 402 of the Act, 33 U.S.C. § 1342 and which permit has been issued to the Respondent pursuant to Section 402 of the Act, 33 U.S.C. § 1342. by discharging low pH water from Outfall 01A in violations of the permit as follows:

<u>Date</u>	<u>Parameters</u>	<u>Violation</u>	<u>Permit Limit</u>	<u>Quality</u>
5/20/90	pH, min.	1.4 s.u.	6.0 s.u.	18,000 gal.
	pH, min.	3.9 s.u.	6.0 s.u.	2,000 gal.
5/21/90	pH, min.	2.2 s.u.	6.0 s.u.	15,000 gal.

III. Penalty Order and Consent

Based on the foregoing stipulations and findings, and having taken into account the nature, circumstances, extent, and gravity of the violation(s), Respondent's prior history of compliance, degree of culpability, economic benefit or savings resulting from the violation(s), and ability to pay, and under the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), EPA Region 6 hereby ORDERS, AND RESPONDENT HEREBY CONSENTS, that:

1. The provisions of this Consent Agreement shall be binding upon the Respondent, its officers, directors, agents, servants, authorized representatives, employees, and successors or assigns.
2. The Respondent shall mail two (2) copies of the Consent Agreement, each with original signatures, to the attention of Ms. Carlene Ellison (6W-EA) at the following address:

U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

3. The Respondent shall pay \$12,500 for its past violations of the Act cited above by mailing a money order or certified check payable to Treasurer, United States of America, within thirty (30) days of the effective date of Agreement to the following address:

Regional Hearing Clerk (6C-G)
U.S. EPA Region 6
P.O. Box 360582M
Pittsburgh, PA 15251

The money order or check must list the docket number referenced on page 1 of this Order.

Respondent shall send notice of such payment, including a copy of the money order or check, to the Hearing Clerk at the following address:

Regional Hearing Clerk (6C-G)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

and a copy to the Enforcement Branch at the following address:

Ms. Carlene Ellison (6W-EA)
U.S. EPA Region 6
Water Management Division
1445 Ross Avenue
Dallas, Texas 75202-2733

IV. General Provisions

1. Issuance of this Order does not constitute a waiver by EPA of its right to enforce the substantive legal requirements underlying this administrative penalty assessment, either administratively or judicially pursuant to Sections 309(a), (b), and (c) of the Act, 33 U.S.C. § 1319(a), (b), and (c). Nor pursuant to Section 309(g)(7) of the Act, does issuance or compliance with this Order exempt Respondent from responsibility to comply with all requirements of the Act and of any legal order or permit issued pursuant thereto.

2. Failure by Respondent to pay in full the penalty assessed by this Consent Agreement by its due date may subject Respondent to a civil action to collect the assessed penalty plus interest, attorneys' fees, costs, and an additional quarterly nonpayment penalty pursuant to Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9). In any such collection action, the validity, amount, and appropriateness of the penalty and of this Consent Agreement shall not be subject to review.

3. Respondent knowingly and explicitly waives its rights pursuant to Sections 309(g)(2) and (8), 33 U.S.C. § 1319(g)(2) and (8), to a hearing on this penalty assessment and to judicial review of this administrative penalty assessment.

V. Effective Date

This Consent Agreement and Order shall become effective thirty (30) days after the date of issuance noted below unless a petition for a hearing is filed pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), by a person who commented on the proposed penalty assessment. If such a petition is filed, EPA Region 6 will so notify Respondent and will inform Respondent of the effect of the petition on the effective date of this Consent Agreement and Order.

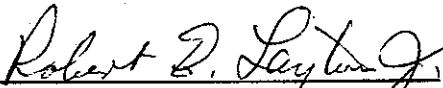


Mr. Allen J. Tiedman
Associate Director for Operations
University of California/Los Alamos National Laboratory
Los Alamos, New Mexico 87545



Myron O. Knudson, P.E.
Director
Water Management Division (6W)
EPA Region 6

Issued this APR 05 1991 day of _____, 1991.



Robert E. Layton Jr., P. E.
Regional Administrator
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

JUL 06 1994

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 239 541 226)

Mr. Dennis J. Erickson
Division Director, ES&H
Los Alamos National Laboratory
P.O. Box 1663, Mailstop A-120
Los Alamos, New Mexico 87545

Re: Administrative Order Docket No. VI-94-1051
NPDES Permit No. NM0028355

1 - Permit/CD
2 - AO & AO matl.
3 - DMR's
4 - Vio. Sum. Log
5 - NCR
6 - Correspondence
7 - CRAS
Date Filed
Clerk's Inits.

Dear Mr. Erickson:

Violation of an NPDES permit requires the Environmental Protection Agency (EPA) to take appropriate enforcement action to assure compliance. Pursuant to the Clean Water Act (33 U.S.C. § 1251 et seq.), the enclosed Administrative Order is hereby served on you and the University of California for the violations described therein.

Compliance with the provisions of this Order is expected within the maximum time periods established by each part of the Order. Your cooperation and prompt attention will be appreciated. The violations cited in the referenced Order could result in the issuance of an EPA administrative penalty order or referral to the United States Department of Justice for judicial action with monetary fines. In response hereto, please reference Docket No. VI-94-1051 and your NPDES permit number, and send correspondence to the attention of Ms. Gladys Gooden-Jackson (6W-EAT).

It is the policy of EPA to achieve full compliance with the NPDES permit program as rapidly as possible. If you have any questions, please contact Mr. Everett H. Spencer, EPA, Dallas, Texas at (214) 655-8060.

Sincerely yours,

MYRON O. KNUDSON, P.E.

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosure

cc: SEE NEXT PAGE

CONCURRENCES: 6W-ET: ESPENCER: x8060: E00&1A: mmc-44a: 5/16/94: (847) GJ

6W-ET	6W-E	6C-AW			
GRAHAM	HARTUNG	BENTON			

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 239 541 226)

Mr. Allen J. Tiedman
Associate Director of Operations
Los Alamos National Laboratory
P.O. Box 1663, Mailstop A-120
Los Alamos, New Mexico 87545

Re: Administrative Order Docket No. VI-94-1051
NPDES Permit No. NM0028355

Dear Mr. Tiedman:

Violation of an NPDES permit requires the Environmental Protection Agency (EPA) to take appropriate enforcement action to assure compliance. Pursuant to the Clean Water Act (33 U.S.C. § 1251 et seq.), the enclosed Administrative Order is hereby served on you and the University of California for the violations described therein.

Compliance with the provisions of this Order is expected within the maximum time periods established by each part of the Order. Your cooperation and prompt attention will be appreciated. The violations cited in the referenced Order could result in the issuance of an EPA administrative penalty order or referral to the United States Department of Justice for judicial action with monetary fines. In response hereto, please reference Docket No. VI-94-1051 and your NPDES permit number, and send correspondence to the attention of Ms. Gladys Gooden-Jackson (6W-EAT).

It is the policy of EPA to achieve full compliance with the NPDES permit program as rapidly as possible. If you have any questions, please contact Mr. Everett H. Spencer, EPA, Dallas, Texas at (214) 655-8060.

Sincerely yours,

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosure

cc: SEE NEXT PAGE

CONCURRENCES: 6W-ET:ESPENCER:x8060:E00&1A:mmc-44a:5/16/94:(847)GJ

6W-ET	6W-E	6C-AW			
GRAHAM	HARTUNG	BENTON			

5/27

5/27

5/27

6/6

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DEC 24 1991

REPLY TO: 6W-ET

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 773 284 650)

Mr. Allen J. Tiedman
Associate Director for Operations
University of California
Los Alamos National Laboratory
Los Alamos, New Mexico 87545

- 1 - Permit/CD
- 2 - AO & AO mat
- 3 - DMR's
- 4 - Via. Sum. Log
- 5 - NCR
- 6 - Correspondence
- 7 - CRAS
- 8 - Este Filed
- 9 - Clerk's Inits.

Re: Order for Information Docket No. VI-92-1130
NPDES Permit No. NM0028355

Dear Mr. Tiedman:

Pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. 1251 et seq., the Environmental Protection Agency (EPA) has the authority to obtain information pertinent to carrying out its responsibilities under the CWA. Accordingly, the enclosed Order for Information is hereby served on you and the Los Alamos National Laboratory.

Compliance with the provisions of this Order is expected within the maximum time periods established by each part of the Order. Your cooperation and prompt attention will be appreciated. In response hereto, please reference Docket No. VI-92-1130 and your NPDES permit number and send correspondence to the attention of Ms. Gladys Goeden-Jackson (6W-EAT). Failure to submit the information required by the Order could result in the issuance of an EPA administrative penalty order or referral to the United States Department of Justice for judicial action with monetary fines.

It is the policy of EPA to achieve full compliance with the NPDES permit program as rapidly as possible. This office is prepared to help you in any way it can. If you have any questions, please contact Ms. Dianne Ratkey, EPA, Dallas, Texas at (214) 655-6470.

Sincerely yours,

/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosure

cc: SEE NEXT PAGE

6W-ET:DRATKEY:x6470:0577:mmc-15:AE07&1K:12/16/91

SYMBOL	6W-ET	6W-E	6C-AM	6W-PI	6W-PI
	Graham 12/20	Hartung 12/23/91	Jones Hughes 12-20	Humke	Vickery 12/23/91
SURNAME					
DATE					

cc: Mr. Jim Piatt, Acting Chief
Surface Water Bureau
New Mexico Environment Department

Mr. Jerry E. Bellows
Acting Area Manager
U.S. Department of Energy
Los Alamos Area Office
Los Alamos, New Mexico 87544

bcc: Ellison (6W-EA)
Ratkey (6W-ET)
Meacham (6X)
Goetz (6X)
Read File (6W-EA)
Gair (EN-338)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF

LOS ALAMOS NATIONAL LABORATORY

PROCEEDINGS UNDER SECTION 308(a)(4)(A),
CLEAN WATER ACT,

[33 U.S.C. § 1318(a)(4)(A)]

In Re: NPDES Permit No. NM0028355

DOCKET NO. VI-92-1130

ORDER FOR INFORMATION

The following FINDINGS are made and Order issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (EPA) by the above referenced statute (hereinafter the Act) and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6.

I.

The University of California, management contractor for operation of the Los Alamos National Laboratory (hereinafter the Co-Permittee) is a duly authorized discharger at the Department of Energy owned facility located in the State of New Mexico.

II.

Section 308(a) of the Act, 33 U.S.C. § 1318(a) provides that:

Whenever required to carry out the objective of this Act, including but not limited to ... determining whether any person is in violation of any ... limitation, prohibition ... or standard of performance ... the Administrator shall require the owner or operator of any point source to ... provide such other information as he may reasonably require

III.

FINDINGS OF FACT

Under the conditions of NPDES Permit No. NM0028355, the Co-Permittee is authorized to discharge from Outfall 09S treated sanitary sewage effluents. This treatment facility is located at the TA-53 of the Laboratory and consists of three (3) lagoons in series. During 1989, the Co-Permittee notified the EPA that radioactive contamination had been discovered in these lagoons. During an internal audit, the Co-Permittee had identified industrial waste streams which had been routed to this sanitary treatment plant. Some of these industrial waste streams contained "low level" radioactivity which had resulted in the contamination of the treatment plant. The Co-Permittee indicated that the third lagoon was to be removed from the series and utilized as a total retention treatment system for these radioactive industrial waste streams. According to information submitted by the Co-Permittee, the other two (2) lagoons, which continue to be utilized for treatment of sanitary waste streams, have also been contaminated with "low level" radioactivity. The Co-Permittee has further indicated that discharge from the remaining two (2) lagoons is intermittent and occurs only when necessary to maintain the freeboard required by their RCRA permit.

Based on information available to the EPA, it is unclear if the third lagoon has been removed completely from the series. Inspection reports indicate that there may be cross-connections between the three (3) lagoons. This would allow the mixing of the current sanitary and radioactive waste streams.

40 CFR 122.2 defines a pollutant as " . . . radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended)" This same section further notes that "radioactive materials covered by the Atomic Energy Act are those encompassed in its definition of source, byproduct, or special nuclear materials. Examples of materials not covered include radium and accelerator-produced isotopes".

Due to interconnections between the three (3) lagoons and inherent contamination at the site, the effluent discharged from Outfall 09S may contain radio-active materials regulated under the Clean Water Act.

ORDER

Based on the foregoing FINDINGS OF FACT and pursuant to the authority vested in the Administrator under Section 308(a)(4)(A) of the Act, 33 U.S.C. § 1318 (a)(4)(A), and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6, it is ordered:

A. That the Co-Permittee, within thirty (30) days of the effective date of this Order, shall submit the following information pertaining to any discharge from Outfall 09S since January 1, 1989:

- 1) The date on which each discharge occurred, or if specific dates are not available, the frequency of the discharge;
- 2) The sources of or the specific operations with which the discharge is associated;

- 3) Any analytical data indicating the levels of naturally occurring radioactivity and accelerator-produced isotopes, including tritium, contained in each discharge, analytical methods utilized, and detection limits of the methods; and,
- 4) The quantity of each discharge.

B. That the Co-Permittee, within thirty (30) days of the effective date of this Order, shall submit the following information pertaining to any discharge from any other permitted or stormwater outfall since January 1, 1989:

- 1) Any analytical data indicating the levels of naturally occurring radioactivity and accelerator-produced isotopes, including tritium, contained in each discharge, analytical methods utilized, and the detection limits of the methods.

C. For any discharge reported under (B) above, the Co-Permittee, within thirty (30) days of the effective date of this Order, shall also submit the following information:

- 1) The date on which each discharge occurred, or if specific dates are not available, the frequency of the discharge;
- 2) The sources of or the specific operations with which the discharge is associated;
- 3) The outfall number and/or location with which the discharge is associated; and,
- 4) The quantity of each discharge.

D. That the Co-Permittee, within thirty (30) days of the effective date of this Order, shall submit flow diagrams for the TA-53 lagoon systems. These diagrams shall include influent sources and locations, outfall locations and location of any interconnections between the three (3) lagoons.

The information should be addressed to the Water Management Division,
Enforcement Branch (6W-E), EPA, 1445 Ross Avenue, Dallas, Texas 75202-2733.

It will be considered in any further evaluation of the nature and extent
of the Permittee's noncompliance with the Clean Water Act. Section 309 of the
Act, as amended by the Water Quality Act of 1987, provides civil and criminal
penalties for failure to submit information required under Section 308 and
criminal penalties for knowingly making a false statement under Section 308.

The effective date of this Order shall be the date it is received by the Co-
Permittee.

DATED: This DEC 24 1991 day of _____, 1991.

/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

MAR 11 1993

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REPLY TO: 6W-ET

Mr. Jerry L. Bellows
Area Manager
U.S. Department of Energy
Los Alamos, New Mexico 87544

Re: NPDES Permit No. NM0028355
Federal Facilities Compliance Agreement (FFCA),
Docket No. VI-92-1305

1 - Permit/CD
2 - AO & AO matl
3 - DMR's
4 - Vic. Sum. Log
5 - NCR
6 - Correspondence
7 - CRAS
Date Filed
Clerk's Inits.

Dear Mr. Bellows:

The enclosed Federal Facilities Compliance Agreement (FFCA) is ready for your review and signature. Please find that it will eliminate the discrepancies between LANL's current Administrative Order (Docket No. VI-92-1306) and the current FFCA (Docket No. VI-91-1328). The compliance schedule and interim limits in the document have been revised and are in agreement with the ongoing activities at LANL (per the November 19, 1992, Administrative Order Docket No. VI-92-1306 Quarterly Report).

One (1) signed original of the FFCA is enclosed. Please sign and date the agreement and return to the Environmental Protection Agency.

If any questions arise concerning this agreement, please contact Mr. Everett H. Spencer, of my staff, at (214) 655-8060.

Sincerely yours,

/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosure: 1 FFCA

cc: Mr. Jim Piatt, Bureau Chief
Water Surface Bureau
New Mexico Environment Department

Mr. Allen J. Tiedman
Associate Director of Operations
University of California
P.O. Box 1663, Mailstop A-120
Los Alamos, New Mexico 87545

6W-ET:SPENCER:x8060:ltr:mmc-9a:0339:12/29/92

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6W-ET

Graham

CONCURRENCES

SYMBOL	SURNAME	DATE	CONCURRENCES

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 6

U.S. DEPARTMENT OF ENERGY
LOS ALAMOS NATIONAL LABORATORY
LOS ALAMOS, NEW MEXICO

and

U.S. ENVIRONMENTAL PROTECTION
AGENCY, REGION 6

DOCKET NO. VI-92-1305

FEDERAL FACILITY
COMPLIANCE AGREEMENT

I. PRELIMINARY STATEMENT

The United States Environmental Protection Agency, Region 6 (hereinafter EPA), and the United States Department of Energy, (hereinafter DOE) Los Alamos National Laboratory, Los Alamos Area Office, are the Parties to this Federal Facility Agreement (Agreement), which is entered into pursuant to Executive Order 12088, October 13, 1978 [43 Fed. Reg. 47707]. This Agreement supersedes the previous Federal Facility Compliance Agreement VI-91-1328 dated November 22, 1991. The authority to issue and enter into this Agreement is vested in the Administrator of the U.S. Environmental Protection Agency by Section 309 (a) of the Federal Water Pollution Control Act, (also known as the Clean Water Act and referred to in this Agreement as the "Clean Water Act" or "CWA"), 33 U.S.C. §1319 (a), which authority has been delegated to the Regional Administrator of Region 6 and further delegated to the Director, Water Management Division, Region 6 (Complainant). The Office of Management and Budget and the Department of Justice will take cognizance of this Agreement pursuant to their respective duties to assure compliance with the environmental laws under Executive Order 12088 and the Clean Water Act, 33 U. S. C. §§1251, et seq.

Executive Order 12088 was promulgated to insure Federal compliance with applicable pollution control standards. This Agreement constitutes a "plan", as described in Section 1-601 of Executive Order 12088, to achieve and maintain compliance with applicable Clean Water Act standards, including the National Pollutant Discharge Elimination System (NPDES), 33 U.S.C. §§ 1251, et seq., at Los Alamos National Laboratory ("Respondent" is DOE, "Facility" is LANL).

II. Enforceability

For purposes of this Agreement and all subsequent proceedings, it is agreed that EPA has the jurisdictional authority to require Respondent to perform the activities specified in this Agreement. The Department of Energy recognizes its obligations to comply with the Clean Water Act, as amended, 33 U.S.C. §§1251, et seq.

The provisions of this Agreement, including those related to statutory requirements, regulations, permits, or corrective action, including recordkeeping, reporting and schedules of compliance, shall be enforceable under citizen suits pursuant to Section 505 of the CWA, 33 U.S.C. § 1365, including actions or suits by the State of New Mexico and its agencies. The Respondent agrees that the State of New Mexico and its agencies are a "person" within the meaning of Section 502 of the CWA, 33 U.S.C. §1362.

In the event of any action(s) filed under Section 505 of the CWA, 33 U.S.C. §1365, alleging any violation of any such requirement of this Agreement, it shall be presumed that the provisions of this Agreement including those provisions which address recordkeeping, reporting, and schedules of compliance, are related to statutory requirements, regulations, permits, or corrective action, and are thus enforceable under Section 505 of the CWA, 33 U.S.C. § 1365.

III. BINDING EFFECT

This Agreement shall apply to and be binding upon the Complainant, the United States Environmental Protection Agency, the Respondent, the United States Department of Energy, and all successors or assigns of the named Parties, as well as upon all persons, firms and other legally cognizable entities in active concert or participation with the Parties for the purpose of performing pursuant to the Agreement.

IV. OBJECTIVES

All plans, studies, construction, maintenance and monitoring programs and other obligations, shall be implemented in a manner calculated to bring the Respondent into compliance with the permit as well as with provisions of other applicable federal, state and local laws and regulations governing the discharge of pollutants into the waters of the United States.

V. DEFINITIONS

Except as provided below, the definition provided in the Clean Water Act "CWA" and its implementing regulations shall control the meaning of the terms used in this Agreement.

- A. "DOE" shall mean the United States Department of the Energy, its agents, successors and/or assigns.
- B. "Complainant" shall mean the Water Management Division Director, U.S. Environmental Protection Agency, Region 6.
- C. "CWA" shall mean the Clean Water Act, as amended, 33 U.S.C. §§1251, et seq.
- D. "Days" shall mean calendar days unless otherwise specified. In the event due date is a Saturday, Sunday or a federal holiday, the due date shall be the next day that is not a Saturday, Sunday or federal holiday.
- E. "EPA" shall mean the United States Environmental Protection Agency, its agents, successors and/or assigns.
- F. "Parties" shall mean the EPA and Los Alamos National Laboratory (LANL).
- G. "Respondent" shall mean the Department of Energy (DOE), Los Alamos Area Office of Los Alamos National Laboratory.
- H. "LANL" or "Facility" shall mean Los Alamos National Laboratory located in Los Alamos, New Mexico.
- I. "UC" shall mean the Regents of the University of California (UC) which is responsible for the day to day operations at LANL.

VI. STATEMENT OF FACTS

- A. The United States Department of Energy (DOE) owns the facility known as LANL, which is located in Los Alamos, New Mexico. The laboratory is operated by the UC under contract with DOE.

B. NPDES Permit No. NM0028355 ("the permit") was issued to LANL on January 30, 1990, with an effective date of February 28, 1990, and expiration date of February 28, 1992. The permit is in the reissuance process and the existing permit is administratively extended until reissuance. The permit authorizes discharges from Sanitary and Industrial Wastewater Treatment Plants at LANL to receiving waters, in accordance with effluent limitations, monitoring requirements and other conditions specified in the permit.

C. The Sanitary and Industrial Wastewater Treatment Plants ("facilities") are a "point source" as defined in Section 502(14) of the CWA, 33 U.S.C. § 1362 (14). These facilities which are subject to the permit, currently produce effluents that cannot continually meet the current NPDES permit requirements.

D. The EPA, on July 22, 1992, issued Administrative Order Docket No. VI-92-1306. The Order cites UC for permit violations, violations of a previous Order, grants interim effluent limitations, and orders UC to comply with schedules to achieve compliance as expeditiously as practicable.

VII. EFFLUENT LIMITS AND COMPLIANCE SCHEDULE

The compliance schedule for LANL is intended to achieve compliance as expeditiously as practicable, pursuant to Section 1-601 of Executive Order 12088. The schedule was determined after consultation among the EPA, DOE, and UC and the New Mexico Environment Department (NMED).

The schedule contains interim effluent discharge limits for Outfall No. 09S reflecting design and construction milestone dates and sets forth timetables to ensure that Respondent achieves full compliance with the permit no later than October 1, 1996. Whenever reasonably possible, LANL will expedite the performance of the compliance schedule.

All other parameters, effluent limits, terms, and conditions of the permit are effective as issued and require full compliance. This compliance schedule shall not be construed as a new permit under the CWA nor shall it relieve the Respondent of any other obligations under the permit or the CWA.

A. Effluent discharge limits for applicable Outfalls

1. Effluent discharge limits prescribed in the permit.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>		
	Daily avg. (lbs/day)	Daily avg. (mg/l)	Daily max. (mg/l)
<u>Outfall 05A (Industrial Discharge)</u>			
Flow (MGD)	N/A	Report	Report
Chemical Oxygen Demand (COD)	N/A	150	250
TSS	N/A	30	45
pH	N/A	6.0 min.	9.0 max.

Outfall 09S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD ₅	2.3	30	45, 7-day avg.
TSS	2.3	30	90, 7-day avg.
pH	N/A	6.0 min.	9.0 max.

2. Interim Effluent discharge limits - The following effluent discharge limit will be in effect until the compliance schedule is completed for the listed outfall.

Outfall 09S (Sanitary Discharge)

BOD ₅	30	60	90, 7-day avg.
TSS	45	70	90, 7-day avg.
pH	N/A	6.0 min.	11.0 max.

B. Compliance Schedule

Respondent shall perform the activities specified in this subsection by the dates indicated:

<u>Activity</u>	<u>Completion Date</u>
<u>Outfall 05A</u>	
Complete Conceptual Design Report	July 1992
Complete Design Criteria	June 1993

VIII. REPORTING

Commencing at the end of the first full quarter after the effective date of this Agreement, Respondent shall submit quarterly progress reports which shall be due on the fifth (5th) day of the first month following the end of each quarter. Progress reports shall summarize the efforts taken by Respondent pursuant to this Agreement during the previous quarter.

Respondent shall notify Complainant whenever any delay in meeting any scheduled compliance date is anticipated. Whenever possible, such notification should be not less than twenty-one (21) days before the schedule compliance due date and such notification shall explicitly describe the anticipated length of the delay; the precise nature and cause(s) of the delay; when and how Respondent was first made aware of the delay; the measures taken or to be taken to eliminate or minimize the delay and any future delays of a similar nature and the alternative timetable(s) that Respondent is proposing to use. Within ten (10) days of receiving such notification, EPA will make a determination concerning the revision of the compliance schedule. If Respondent disagrees with EPA's determination and chooses to dispute the matter, the provision of Section X (Dispute Resolution) shall control.

IX. MODIFICATION OF THE AGREEMENT

In the event of an amendment to the CWA or an amendment of the existing regulations promulgated under the CWA, which affect any provision of this Agreement; or amendment of the existing permit or the issuance of a new permit; or amendment of the Agreement as a result of the dispute resolution process; the affected provision(s) of this Agreement will be re-negotiated or revised accordingly, and the re-negotiating will be governed by Executive

Order 12088. All re-negotiation conflicts shall be resolved pursuant to Section X (Dispute Resolution) of this Agreement. To the extent it is not specifically abrogated, this Agreement shall remain in effect until re-negotiated or revised.

All modifications shall be in writing and shall be effective when signed by both parties. EPA shall be the last signatory on any modification to this Agreement.

X. DISPUTE RESOLUTION

Except as specifically set forth elsewhere in this Agreement, if a dispute arises under this Agreement the procedures of this Section shall apply. In addition, during the pendency of any dispute, the DOE agrees that it shall continue to implement those portions of this Agreement which are not in dispute and which EPA determines can be reasonably implemented pending final resolution of the issue(s) in dispute. If EPA determines in writing that all or part of those portions of work which are affected by the dispute should stop during the pendency of the dispute, the DOE shall discontinue implementing those portions of the work.

All Parties to this Agreement shall make reasonable efforts to informally resolve disputes at the Project Manager or immediate supervisor level. If resolution cannot be achieved informally, the procedures of this Section shall be implemented to resolve a dispute.

A. Within thirty (30) days of the date of any action by EPA which leads to or generates a dispute, the DOE shall submit to the EPA a written statement of dispute setting forth the nature of the dispute, the DOE's position with respect to the dispute; and the information the DOE is relying upon to support its position; and any impact such dispute may have on specified schedules,

elements of work, submittals, or actions required by the Agreement. If the DOE does not provide such written statement to the EPA within this thirty (30) day period, the DOE shall be deemed to have agreed with the action taken by EPA which led to or generated the dispute.

B. Where EPA issues a Written Notice of Position, any other Party which disagrees with the Written Notice of Position may provide the issuing Party with a written statement of dispute setting forth the nature of the dispute, its position with respect to the dispute; and the information it is relying upon to support its position. If no other Party provides such a written statement of dispute within thirty (30) days of receipt of the Written Notice of Position, the Parties shall be deemed to have agreed with the Written Notice of Position.

C. Upon receipt of the written statement of dispute, the Parties shall engage in dispute resolution among the Project Managers and/or their immediate supervisors. The Parties shall have fourteen (14) days from the receipt of the EPA written statement of dispute to resolve the dispute. During this period the Project Managers shall meet as many times as are necessary to discuss and attempt resolution of the dispute. If agreement cannot be reached on any issue within this fourteen (14) day period, any Party may, within ten (10) days of the conclusion of the fourteen (14) day dispute resolution period, submit a written notice to the Parties escalating the dispute to the Dispute Resolution Committee (DRC) for resolution. If no Party escalates the dispute to the DRC within this ten (10) day escalation period, the Parties shall be deemed to have agreed with the EPA position with respect to the dispute.

D. The DRC will serve as a forum for resolution of disputes for which agreement has not been reached pursuant to Subsection A, B, or C of this Section. The Parties shall each designate one individual and one alternate to serve on the DRC. The individuals designated to serve on the DRC shall be employed at the policy level (SES or equivalent) or be delegated authority to participate on the DRC for purposes of dispute resolution under this Agreement. The EPA representative on the DRC is the Water Management Division Director of EPA Region 6 (Division Director). The DOE designated member is the Area Manager, Los Alamos Area Office, Department of Energy. Notice of any delegation of authority from a Party's designated representative on the DRC shall be in writing and be immediately provided to all other Parties.

E. Following escalation of a dispute to the DRC, the DRC shall have twenty-one (21) days to unanimously resolve the dispute and issue a written decision. If the DRC is unable to unanimously resolve the dispute within this twenty-one (21) day period, any Party may, within seven (7) days of the conclusion of the twenty-one (21) day dispute resolution period, forward a written notice of dispute to the Senior Executive Committee (SEC) for resolution. In the event the dispute is not escalated to the SEC within the designated seven (7) day period, the Parties shall be deemed to have agreed with the EPA DRC representative's position with respect to the dispute.

F. The SEC will serve as the forum for resolution of the disputes for which agreement has not been reached by the DRC. The EPA representative on the SEC is the Regional Administrator of EPA Region 6. The DOE's designated member is the Manager of the DOE Albuquerque Field Office. The SEC members shall, as appropriate, confer, meet and exert their best efforts to resolve the dispute and issue a written decision. If unanimous resolution of the

dispute is not reached within twenty-one (21) days, the EPA Regional Administrator, Region 6 shall issue a written position on the dispute. The DOE may, within fourteen (14) days of the Regional Administrator's issuance of EPA's position, issue a written notice escalating the dispute to the Administrator of the EPA for resolution in accordance with all applicable laws, directives and procedures. In the event the dispute is not escalated to the Administrator within the designated seven (7) day period, the Parties shall be deemed to have agreed with the EPA DRC representative's position with respect to the dispute. In the event the DOE elects not to elevate the dispute to the Administrator within the designated fourteen (14) day escalation period, the DOE shall be deemed to have agreed with the Regional Administrator's written position with respect to the dispute.

G. Upon escalation of the dispute to the Administrator of EPA pursuant to Subsection F, the Administrator will review and resolve the dispute within twenty-one (21) days. Upon request and prior to resolving the dispute, the EPA Administrator shall meet and confer with the Secretary of Energy to discuss the issue(s) under dispute. Upon resolution, the Administrator shall provide the DOE with a written final decision setting forth resolution of the dispute.

H. The pendency of any dispute under this Section shall not affect the DOE's responsibility for timely performance of the work required by this Agreement, except that the time period for completion of work affected by such dispute shall be extended for a period of time usually not to exceed the actual time taken to resolve any good faith dispute in accordance with the procedures specified herein. All elements of the work required by this

Agreement which are not affected by the dispute shall continue and be completed in accordance with the applicable schedule.

I. Within fourteen (14) days of resolution of a dispute pursuant to the procedures specified in this Section, the DOE shall incorporate the resolution and final determination into the appropriate plan, schedule or procedures and proceed to implement this Agreement according to the amended plan, schedule or procedures.

J. When dispute resolution is in progress, work affected by the dispute will immediately be discontinued if the Division Director requests in writing, that work related to the dispute be stopped, because, in EPA's opinion, such work is inadequate or defective, and such inadequacy or defect is likely to yield an adverse effect on human health or the environment, or is likely to have a substantial adverse effect on the implementation process. To the extent possible, EPA shall consult with the DOE prior to initiating a work stoppage request. After stoppage of work, if the DOE believes that the work stoppage is inappropriate or may have potential significant adverse impacts, the DOE may meet with the Division Director to discuss the work stoppage. Following this meeting, and further consideration of the issues, the Division Director will issue, in writing a final decision with respect to the work stoppage. The final written decision of the Division Director may immediately be subjected to formal dispute resolution or such dispute may be brought to either the DRC or the SEC, at the discretion of the DOE.

K. Resolution of a dispute pursuant to this Section constitutes a final resolution of any dispute arising under this Agreement. All applicable laws, directives, and procedures apply to resolution of the disputes under this

Section. All Parties shall abide by all terms and conditions of any final resolution of dispute obtained pursuant to this Section.

XI. FORCE MAJEURE

A Force Majeure shall mean any event arising from causes beyond the control of Respondent which cause a delay in or prevents the performance of any obligation under this Agreement. Force Majeure includes but is not limited to, Acts of God; fire; war; insurrection; civil disturbance; explosion; adverse weather conditions that could not be reasonably anticipated; unusual delays in transportation; beyond the control of Respondent; restraint by court order or order of public authority; inability to obtain, at reasonable cost and after exercise of reasonable diligence, any necessary authorizations, approvals, permits, or licenses due to action or inaction of any governmental agency or authority other than the DOE; delays caused by compliance with applicable statutes or regulations governing contracting, procurement or acquisition procedures, despite the exercise of reasonable diligence; and failure to obtain approval of adequate authorizations and/or appropriations from Congress, if Respondent shall have made timely request for such funds as part of the budgetary process as set forth in Section XIII (Funding) of this Agreement. A Force Majeure shall also include any strike or other labor dispute, whether or not within the control of the Parties affected hereby. A Force Majeure shall not include increased costs of activities covered by this Agreement, whether or not anticipated at the time such activities were initiated.

XII. NOTICES

Documents, including reports, approvals, disapprovals, and other correspondence, which must be submitted under this Agreement, may be submitted by express mail, overnight mail, hand delivery, certified mail, return receipt requested, facsimile copies (with the original sent within twenty-four (24) hours by another of these methods) or any other method that includes proof of delivery, to the following addressees or any other addressee which EPA or Respondent so designated in writing:

EPA:

U.S. Environmental Protection Agency
Mr. James L. Graham, P.E., Section Chief
Water Enforcement Branch, Texas/New Mexico Section (6W-ET)
1445 Ross Avenue
Dallas, TX 75202-2733

Send copies to:

NMED:

Mr. Jim Piatt
Chief, Water Surface Bureau
New Mexico Environment Department
P.O. Box 968
Santa Fe, New Mexico 87504-0968

XIII. FUNDING

Respondent shall request, through the DOE and the Department of Energy, all funds and/or authorizations from Congress necessary to meet the conditions of this Agreement and it shall be sought in accordance with Sections 1-4 and 1-5 of Executive Order 12088 as implemented by the Office of Management and Budget Circular A-106 (as amended).

With regard to finding, the timetables and schedules are fixed and definite except to the extent that the Congress of the United States may fail to

approve authorizations and/or appropriations requests necessary to exercise the timetables and schedules.

Although failure to obtain approval of adequate authorization and/or appropriations from Congress may alter the established timetable and schedules in accordance with Section XI, (Force Majeure), it does not release Respondent from its obligations of compliance with the CWA and the terms and conditions of this Agreement. If sufficient funds are not appropriated by the Congress as requested and existing funds are not available to achieve compliance with the schedules provided in this Agreement, and the Respondent reports the lack of funds in accordance with Section XII (Notices), then pursuant to Section XI (Force Majeure), the Parties will revise the compliance schedule as necessary.

No provision of this Agreement shall be interpreted to require obligation of funds in violation of the Anti-Deficiency Act, 31 U.S. C. §1341.

XIV. COMPLIANCE WITH THIS AGREEMENT

In the event of violations of this Agreement by Respondent, the compliance provisions of Section 1-604 of Executive Order 12088 and Section 1-604 of Executive Order 12146 are available as enforcement mechanisms.

XVI. TERMINATION DATE

This Agreement will terminate after Respondent has complied with all of the terms and conditions specified in Section VII (Interim Limits and Compliance Schedule) of this Agreement, notified EPA, in accordance with Section XII (Notices) in writing of its compliance and request for termination, and

received written notice from EPA that the terms and conditions of this Agreement have been satisfied. EPA will file a termination notice with the Regional Hearing Clerk, EPA Region 6, and provide Respondent with a copy of the notice.

XV. EFFECTIVE DATE

This Agreement is effective on the date that it is filed with the Regional Hearing Clerk, EPA Region 6.

THIS AGREEMENT CAN BE AND IS HEREBY EXECUTED IN COUNTERPART.

/s/ Myron O. Knudson

Myron O. Knudson, P. E.
Director
Water Management Division

Dated this MAR 11 1993 day of _____ 1993, at Dallas, Texas.

AGREED:

LCS ALAMOS NATIONAL LABORATORY

Dated: _____

BY: Jerry L. Bellows
Area Manager
Los Alamos Area Office
Department of Energy

1 pgy

DEC 06 1993

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 239 548 291)

Mr. Allen J. Tiedman
Associate Director of Operations
Los Alamos National Laboratory
P.O. Box 1663, Mailstop A-120
Los Alamos, New Mexico 87545

Re: Administrative Order Docket No. VI-94-1210
NPDES Permit No. NM0028355

Dear Mr. Tiedman:

- 1 - Permit/CD
- 2 - AO & AO matl
- 3 - DMR's
- 4 - Vic. Sum. Log
- 5 - NCR
- 6 - Correspondence
- 7 - CRAS
- Date Filed
- Clerk's Inits.

Violation of an NPDES permit requires the Environmental Protection Agency (EPA) to take appropriate enforcement action to assure compliance. Pursuant to the Clean Water Act (33 U.S.C. § 1251 et seq.), the enclosed Administrative Order is hereby served on you and University of California Corporation of the Los Alamos National Laboratory (LANL) for the Department of Energy (DOE) for the violations described therein. This Order replaces Administrative Order (AO) Docket No. VI-92-1306, which is hereby closed.

Compliance with the provisions of this Order is expected within the maximum time periods established by each part of the Order. Your cooperation and prompt attention will be appreciated. In response hereto, please reference Docket No. VI-94-1210 and your NPDES permit number, and send correspondence to the attention of Ms. Gladys-Gooden Jackson (6W-EAT). The violations cited in the referenced Order could result in the issuance of an EPA administrative penalty order or referral to the United States Department of Justice for judicial action with monetary fines.

This AO contains an extension to the 05A Outfall and the Waste Stream Characterization Project. It does not concur with the unfinalized FFCA, VI-92-1305, sent in final form for signature to the DOE in March 1993.

CONCURRENCES 6W-ET:ESPENCER:db:11/10/93:DM40:(0110)

6W-ET	6W-E	BC-AW			
Graham	Hartung	Benton			

It is the policy of EPA to achieve full compliance with the NPDES permit program as rapidly as possible. This office is prepared to help you in any way it can. If you have any questions, please contact Mr. Everett H. Spencer, EPA, Dallas, Texas at (214) 655-8060.

Sincerely yours,

/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosure

cc: Mr. Jim Piatt, Chief
Surface Water Bureau
New Mexico Environment Department

bcc: Ellison (6W-EA)x2
Meacham (6X)
Goetz (6X)
Read File (6W-EA)
Lassiter (EN-338)
Spencer (6W-ET)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF	§	DOCKET NO. VI-94-1210
	§	
THE UNIVERSITY OF CALIFORNIA	§	
	§	
PROCEEDINGS UNDER SECTION 309(a)(3),	§	
CLEAN WATER ACT,	§	
[33 U.S.C. § 1319(a)(3)],	§	ADMINISTRATIVE ORDER
In RE: NPDES PERMIT NO. NM0028355	§	

The following FINDINGS are made and Order issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (EPA) by the above referenced statute (hereinafter the Act) and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6.

I.

The University of California, management contractor for operation of the Los Alamos National Laboratory, (hereinafter the Co-Permittee) is a duly authorized discharger at the Department of Energy owned facility, the mailing address for which is the Los Alamos National Laboratory, P.O. Box 1663, Mailstop A-120, Los Alamos, New Mexico 87545.

II.

Pursuant to the authority of Section 402(a)(1) of the Act, 33 U.S.C. § 1342, Region 6 issued National Pollutant Discharge Elimination System (NPDES) Permit No. NM0028355 to the Co-Permittee on September 10, 1993, with an effective date of November 1, 1993. The permit authorizes the discharge of

specified qualities and quantities of effluent to various ephemeral streams which are reaches of Segment No. 2-111 and Segment No. 2-118 of the Rio Grande Basin. The permit also requires the submission of Discharge Monitoring Reports (DMRs) and Noncompliance Reports.

III.

Part I.A. of the permit places certain limitations on the quantity and quality of effluent discharged by the Co-Permittee. The relevant limitations follow:

Category 05A

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			
	Mass(lbs/day)		Other units(specify)	
	30 day avg.	Daily max.	Daily avg.	Daily max.
Flow (MGD)	N/A	N/A	(*1)	(*1)
Total Suspended Solids (TSS)	N/A	N/A	30 mg/l	45 mg/l
Oil & Grease (O&G)	N/A	N/A	15 mg/l	15 mg/l
Water Quality Parameters	N/A	N/A	(*2)	(*2)

The pH shall not be less than 6.0 standard units (s.u.) nor greater than 9.0 s.u. and shall be monitored once per three (3) months by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):
Prior to discharge at locations as shown in Part II, Paragraph F.

- (*1) Report
- (*2) See Part II, Paragraph L.

Administrative Order (AO) Docket No. VI-92-1306, issued

July 23, 1992, contains the following compliance schedules:

Outfall 05A

Completion Date

Complete Conceptual Design Report	July 1992
Complete Design Criteria	June 1993
Begin Line Item Project	October 1993
Complete Title I Design	July 1994
Complete Title II Final Design	July 1995
Advertisement of construction contract	August 1995
Award of construction contract	October 1995
Construction completion	September 1996

SCHEDULE FOR WASTE STREAM
IDENTIFICATION AND CHARACTERIZATION

Sanitary Outfalls/Industrial Categories
(Number of outfalls in parentheses)

Completion Date

03A Treated Cooling Water (40)-100% Complete	July 1993
01S TA-3 Treatment Plant (1)-100% Complete	January 1993
051 TA-50 Rad Treatment Plant (1)-50% Complete	January 1993
07S TA-46N Lagoons (1)-100% Complete	April 1993
12S TA-46S Lagoons (1)-100% Complete	April 1993
04S TA-18 Lagoons (1)-100% Complete	January 1993
10S TA-35 Lagoons (1)-100% Complete	January 1993
09S TA-53 Lagoons (1)-100% Complete	July 1992
04A Non-Contact Cooling Water (49)-100% Complete	July 1993
051 TA-50 Rad Treatment Plant (1)-100% Complete	July 1993
05S TA-21 Treatment Plant (1)-100% Complete	July 1993

IV.

FINDINGS OF FACT

Administrative Order (AO) Docket No. VI-92-1306, issued July 23, 1992, established a compliance schedule for various projects at Los Alamos National Laboratory (LANL) in order to bring the facility into full compliance with NPDES Permit No. NM0028355. The projects have been completed with the exception of the HE wastewater Treatment Project (Category 05A) and the

waste stream Characterization Project. The HE Wastewater Treatment Project, due to Department of Energy (DOE) funding, has been delayed one (1) year. The Waste Stream Characterization Surveys were completed on July 31, 1993, in accordance with the previous schedule. Projected dates for the final reports and corrective actions were submitted to the EPA in LANL's October 1993 Quarterly Reports. These dates are incorporated into the schedule portion of this Order.

V.

FINDINGS OF VIOLATION

Based on information provided by EPA, and the Co-Permittee, the Regional Administrator, through the Director of the Water Management Division, finds that the Co-Permittee has violated the HE Wastewater Project schedule for Outfall Category 05A contained in AO Docket No. VI-92-1306.

The Co-Permittee will not be able to meet the last five (5) interim steps of the schedule due to DOE funding changes. The revised DOE funding has delayed the schedule by one (1) year.

VI.

Issuance of this Order does not preclude the pursuit of additional enforcement action including additional administrative penalty orders, and/or civil or criminal judicial actions for the violations cited herein. If an EPA administrative penalty order is issued or a judicial action is initiated by the U.S. Department of Justice, you will be subject to a monetary fine.

ORDER

Based on the foregoing FINDINGS OF VIOLATION and pursuant to the authority vested in the Administrator under Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6, it is ordered:

A. That the Co-Permittee, shall comply with the following schedules. The specific activities will be completed and compliance achieved by the last day of the month of the completion date month.

<u>Description of Work</u>	<u>Completion Date</u>
Begin Line Item Project	January 1994
Complete Title I Design	July 1994
Complete Title II Design	July 1995
Advertisement of Construction	August 1996
Award of Construction	October 1996
Completion of Construction	September 1997
Achieve Compliance with final Permit Limitations	October 1997

Waste Stream Characterization Project

<u>Description of Work</u>	<u>Completion Date</u>
Completion of Waste Stream Final Reports	March 1994
Complete 25% Corrective Actions	September 1994*
Complete 50% Corrective Actions	September 1995*
Completion 100% Corrective Actions	September 1996*
Achieve Compliance with Permit Limitations	October 1996

* Preliminary Schedule

B. That the Co-Permittee report compliance or noncompliance with the requirements of (A) above, no later than fourteen (14) calendar days following the date of the specific action.

C. That the Co-Permittee, continue to submit quarterly progress reports until the final compliance date of the compliance schedule.

D. That all other terms and conditions of the permit are effective as issued and require full compliance.

The effective date of this Order shall be the date it is received by the Co-Permittee.

DATED: This DEC 06 1993 day of _____, 1993.

/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUL 23 1992

REPLY TO: 6W-E0

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 893 525 405)

Mr. Allen J. Tiedman
Associate Director of Operations
Los Alamos National Laboratory
P.O. Box 1663, Mailstop A-120
Los Alamos, New Mexico 87545

Re: NPDES Permit No. NM0028355
Administrative Order Docket No. VI-92-1306

1 - Permit/CD
2 - AO & AO mail
3 - DMR's
4 - Vio. Sum. Log
5 - MCR
6 - Correspondence
7 - CRAS
Data Filed
Clerk's Inits.

Dear Mr. Tiedman:

Violation of an NPDES permit requires the Environmental Protection Agency (EPA) to take appropriate enforcement action to assure compliance. Pursuant to the Clean Water Act (33 U.S.C. § 1251 et seq.), the enclosed Administrative Order is hereby served on you and the University of California for the violations described therein. This Order replaces Administrative Order Docket No. VI-91-1329, which is hereby closed.

Compliance with the provisions of this Order is expected within the maximum time periods established by each part of the Order. Your cooperation and prompt attention will be appreciated. In response hereto, please reference Docket No. VI-92-1306 and your NPDES permit number, and send correspondence to the attention of Ms. Gladys Gooden-Jackson (6W-EAT). Failure to reach a satisfactory solution to this matter will result in a referral to the United States Department of Justice for judicial action with monetary fines or an EPA administrative penalty.

This Administrative Order contains the same interim limits and schedules for compliance as the Federal Facilities Compliance Agreement Docket No. VI-92-1305, with the Department of Energy, copy enclosed.

It is the policy of EPA to achieve full compliance with the NPDES permit program as rapidly as possible. This office is prepared to help you in any way it can. If you have any questions, please contact Ms. Dianne Ratkey, EPA, Dallas, Texas at (214) 655-6470.

Sincerely yours,

/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosures

cc: SEE NEXT PAGE

6W-ET:DRATKEY:db:AE00 AE1A:x6470:06/22/92:DM23:(02148)

CONCURRENCES

SYMBOL		6W-ET	6W-E	6C-A/W	6C	
SURNAME		Graham	Hartung	Hughes	Byers	
DATE		7/7	7/14	7/16/92	7-21-92	7/23

cc: Mr. Jim Piatt, Acting Chief
Surface Water Quality Bureau
New Mexico Environmental Improvement
Division

Mr. Jack B. Tillman
Area Manager
Department of Energy
Los Alamos Area Office
Los Alamos, New Mexico 87544

bcc: R. File (6W-E)
Hiller (6W-ET)
Highland (6E-FF)
Gair (EN-338)
Gibson (6W-EA)
Meacham (6X)
Goetz (6X)
Read File (6W-EA)
Ayers (6E-H)
Ratkey (6W-ET)
Jones (6C-WT)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF

UNIVERSITY OF CALIFORNIA

PROCEEDINGS UNDER SECTION 309(a)(3),
CLEAN WATER ACT,
[33 U.S.C. § 1319(a)(3)],
In RE: NPDES PERMIT NO. NM0028335

DOCKET NO. VI-92-1306

ADMINISTRATIVE ORDER

The following FINDINGS are made and Order issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (EPA) by the above referenced statute (hereinafter the Act) and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6.

I.

The University of California, management contractor for operation of the Los Alamos National Laboratory (hereinafter the Co-Permittee) is a duly authorized discharger at the Department of Energy owned facility, the mailing address for which is the Los Alamos National Laboratory, Los Alamos, New Mexico 87545.

II.

Pursuant to the authority of Section 402(a)(1) of the Act, 33 U.S.C. § 1342, Region 6 issued National Pollutant Discharge Elimination System (NPDES) Permit No. NM0028355 to the Permittee on January 30, 1990, with an effective date of February 28, 1990. The permit authorizes the discharge of specified qualities and quantities of effluent to various tributaries of the Rio Grande. The permit also requires the submission of Discharge Monitoring Reports (DMRs) and Noncompliance Reports.

III.

Part I.A. of the permit places certain limitations on the quantity and the quality of the effluent discharged by the Co-Permittee. The relevant limitations follow:

Effluent Characteristics

Discharge Limitations

Daily avg. (lbs/day) Daily avg. (mg/l) Daily max. (mg/l)

Outfall 02A (Industrial Discharge)

Flow (MGD)	N/A	Report	Report
Total Suspended Solids (TSS)	N/A	30	100
Total Copper	N/A	1.00	1.00
Total Iron	N/A	10	40
Total Phosphorus	N/A	20	40
Sulfite (as SO ₃)	N/A	Report	Report
Total Chromium	N/A	6.0	9.0
pH	N/A		

Outfall 05A (Industrial Discharge)

Flow (MGD)	N/A	Report	Report
Chemical Oxygen Demand (COD)	N/A	150	250
TSS	N/A	30	45
pH	N/A	6.0	9.0

Outfall 04S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
Biochemical Oxygen Demand (BOD)	0.5	30	45, 7-day avg.
TSS	0.5	30	90, 7-day avg.
pH	N/A	6.0	9.0 max.

Outfall 05S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD ₅	1.9	30	45, 7-day avg.
TSS ₅	1.9	30	45, 7-day avg.

Outfall 03A

Oil	Not Permitted		
Total Phosphorus	N/A	5.0	5.0

Outfall 09S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD ₅	2.3	30	45, 7-day avg.
TSS ₅	2.3	30	45, 7-day avg.
pH	N/A	6.0 min.	9.0 max.

Outfall 10S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD ₅	1.4	30	45, 7-day avg.
TSS ₅	1.4	30	90, 7-day avg.
pH	N/A	6.0 min.	9.0 max.

Outfall 12S

BOD ₅	1.3	30	45
TSS ₅	1.3	30	45
pH		6.0 s.u., min.	9.0 s.u., max.

IV.

FINDINGS OF FACT

Sanitary and industrial wastewater treatment plants, NPDES Permit No.

NM0028355 cannot continually comply with the effluent limits in the permit.

On July 19, 1990, Administrative Order (AO) Docket No. VI-90-1263 was issued to the Co-Permittee citing effluent violations and establishing interim effluent limitations and schedules for compliance.

In a letter dated February 11, 1991, the Co-Permittee requested that the Order be modified to include a schedule for the waste stream characterization study being conducted at the laboratory. On August 29, 1991, AO Docket No.

VI-91-1329 was issued to the Co-Permittee replacing AO Docket No. VI-90-1263 due to the addition of waste stream characterization study.

In recent progress reports, the Co-Permittee has requested that the schedule for the waste stream characterization study be modified due to rearrangements in the priority for some areas of the facility. The final completion date remains unchanged. The facility has also requested a short extension to the construction schedules. The Co-Permittee has indicated that the new sanitary treatment plant is completed; however, all of the lift stations and sewer lines are not completed. This Order establishes interim limits and incorporates the requested changes to the schedules for compliance with the permit effluent limits.

V.

FINDINGS OF VIOLATION

Based on information provided by EPA and the Permittee, the Regional Administrator, through the Director of the Water Management Division, finds that the Permittee has violated Part I.A. of the permit.

Violation of Part I.A. of the permit - Recent effluent violations follow:

<u>Date</u>	<u>Outfall</u>	<u>Parameter</u>	<u>Violation</u>
4/91	01S 03A	FC, max.	21,400 col/100 ml
		Free Available Chlorine, avg.	0.24 mg/l
		Free Available Chlorine, max.	1.35 mg/l
6/91	05A	COD, avg.	343.33 mg/l
		COD, max.	1,010 mg/l
8/91	01S	Foam in greater than trace amounts	
	02A-007	Solids in greater than trace amounts	
	02A	TSS, avg.	31.00 mg/l
	03A	pH, min.	5.4 s.u.
	128	pH, max.	9.7 s.u.
9/91	02A	Total Phosphorous, avg.	46.99 mg/l
		Total Phosphorous, max.	115.00 mg/l

10/91	02A	Total Phosphorous, avg.	63.45	mg/l
		Total Phosphorous, max.	384.00	mg/l
		TSS, avg.	325.57	mg/l
		TSS, max.	1694	mg/l
11/91	02A	TSS, avg.	110.83	mg/l
		TSS, max.	451	mg/l
		pH, max.	9.8	s.u.
12/91	04S	TSS, loading	2.6	lbs/day
2/92	02A	pH, max.	9.3	s.u.
	05A	pH, max.	9.5	s.u.

AO Docket No. VI-91-1329 has been violated in that the Co-Permittee has failed to comply with the compliance schedules contained in that Order.

Specifically, the following milestones have not been completed as Ordered:

Outfall 02A - 007

Construction completion September 1991
In compliance with final limits October 1991

Outfalls 04S, 05S, 09S, 10S, 12S

Construction completion January 1992
Special facilities completion and facility start-up ... June 1992
In compliance with final limits July 1992

VI.

Issuance of this Order does not preclude the pursuit of additional enforcement action including additional administrative penalty orders, and/or civil or criminal judicial actions for the violations cited herein. If an EPA administrative penalty order is issued or a judicial action is initiated by the U.S. Department of Justice, you will be subject to a monetary fine.

ORDER

Based on the foregoing FINDINGS OF VIOLATION and pursuant to the authority vested in the Administrator under Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6, it is ordered:

A. That the Co-Permittee, efficiently operate and maintain the existing treatment works, so as to discharge effluent which does not exceed the following Interim Limitations:

From: The effective date of this Order To: The final compliance date in the respective compliance schedule:

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>		
	Daily avg. (lbs/day)	Daily avg. (mg/l)	Daily max. (mg/l)
<u>Outfall 09S</u>			
BOD ₅	30	60	90, 7-day avg.
TSS	45	70	90, 7-day avg.
<u>Outfall 10S</u>			
BOD ₅	30	60	60, 7-day avg.
TSS	40	70	90, 7-day avg.

B. That the Co-Permittee shall comply with the following schedules. The following milestone dates (the last date of the months identified) are the dates by which the specified activities will be completed:

Special facilities completion and facility start-up ... October 1992
In compliance with final limits November 1992

Outfall 12S

Final design complete Completed
Advertisement of construction contract Completed
Award of construction completion Completed
Construction completion September 1992
Special facilities completion and facility start-up ... October 1992
In compliance with final limits November 1992

SCHEDULE FOR WASTE STREAM
IDENTIFICATION AND CHARACTERIZATION

<u>Sanitary Outfalls/Industrial Categories</u> (Number of outfalls in parentheses)	<u>Completion Date</u>
03A Treated Cooling Water (40)-100% Complete	July 1993
01S TA-3 Treatment plant (1)-100% Complete	January 1993
051 TA-50 Rad Treatment Plant (1)-50% Complete	January 1993
07S TA-46N Lagoons (1)-100% Complete	April 1993
12S TA-46S Lagoons (1)-100% Complete	April 1993
04S TA-18 Lagoons (1)-100% Complete	January 1993
10S TA-35 Lagoons (1)-100% Complete	January 1993
09S TA-53 Lagoons (1)-100% Complete	July 1992
04A Non-Contact Cooling Water (49)-100% Complete	July 1993
051 TA-50 Rad Treatment Plant (1)-100% Complete	July 1993
05S TA-21 Treatment Plant (1)-100% Complete	July 1993

C. That the Co-Permittee report compliance or noncompliance with the requirements of (B) above, no later than fourteen (14) calendar days following the date of the specific action.

D. That the Co-Permittee shall submit quarterly progress reports beginning October 1, 1992, and continue quarterly until the final compliance date of the compliance schedule.

Outfall 01S

Final design complete	Completed
Advertisement of construction contract	Completed
Award of construction contract	August 1992
Construction completion	September 1992
Special facilities completion and facility start-up ...	October 1992
In compliance with final limits	November 1992

Outfall 02A - 007

Final design complete	Completed
Construction completion	September 1992
In compliance with final limits	October 1992

Outfall 04S

Final design complete	Completed
Advertisement of construction contract	Completed
Award of construction contract	Completed
Construction completion	September 1992
Special facilities completion and facility start-up ...	October 1992
In compliance with final limits	November 1992

Outfall 05A

Complete Conceptual Design Report	July 1992
Complete Design Criteria	June 1993
Begin Line Item Project	October 1993
Complete Title I Design	July 1994
complete Title II Final Design	July 1995
Advertisement of construction contract	August 1995
Award of construction contract	October 1995
Construction completion	September 1996

Outfall 09S

Final design complete	Completed
Advertisement of construction contract	Completed
Award of construction contract	Completed
Construction completion	December 1992
Special facilities completion and facility start-up ...	December 1992
In compliance with final limits	January 1993

Outfall 10S

Final design complete	Completed
Advertisement of construction contract	Completed
Award of construction contact	Completed
Construction completion	September 1992

E. That the Co-Permittee shall report all instances of noncompliance with interim effluent limitations in Part A above, in accordance with part 11.D. of the NPDES Permit No. NM0028355. During the effective period of this Order, the Co-Permittee need not report instances of noncompliance with those effluent limitations in Part I.A. of the permit for which interim effluent limitations are provided herein. Failure to comply with the interim effluent limitations, constitutes a violation of this Order and the NPDES permit.

F. That all other terms and conditions of the permit are effective as issued and require full compliance.

The effective date of this Order shall be the date it is received by the Co-Permittee.

DATED: This JUL 23 1992 day of _____, 1992.

/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

69
OCT 11 1990

REPLY TO: 6W-ET

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 176 161 378)

Mr. Jim Piatt
Acting Chief, Surface Water Bureau
New Mexico Environmental Improvement Division
P.O. Box 968
Santa Fe, New Mexico 87504-0968

Re: Notice of Proposed Administrative Penalty Assessment
Docket No. VI-90-1642
NPDES Permit No. NM0028355

Dear Mr. Piatt:

Enclosed is a copy of the administrative complaint which the Administrator of the United States Environmental Protection Agency (EPA) proposes to issue to University of California/Los Alamos National Laboratory pursuant to Section 309(g) of the Clean Water Act, 33 U.S.C. 1319(g). The Administrator proposes to issue the complaint to begin the process to administratively assess a Class I civil penalty of \$25,000 against University California/Los Alamos National Laboratory for violations of the Clean Water Act. Because the violations have occurred in the State of New Mexico, EPA is offering you an opportunity to confer with us regarding the proposed penalty assessment.

You may request a conference with Mr. Everett H. Spencer within two weeks of receipt of this letter. The conference may be in person or by telephone and may cover any matters relevant to the proposed penalty assessment.

A copy of EPA procedures governing the assessment of Class I administrative penalties under the Clean Water Act is enclosed for your reference. If you

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6W-ET

Graham

9/26/90

6W-E

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9/26

with change

6C-W

Corley

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3 - DMR's
4 - Vio. Sum. Log
5 - NCR
6 - Correspondence
7 - CRAS
Date Filed
Clerk's Inits.

Closed
11/27

10/11

wish to request a conference or if you have any comments or questions regarding the letter, please call Mr. Everett H. Spencer at telephone (214) 655-6475.

Sincerely yours,

/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosures

bcc: Gair (EN-338)
Ellison (6W-EA)
Meacham (6X)
Goetz (6X)
Read File (6W-EA)
Ayers (6E-H)
Lopez (6C-G)
Lassiter (EN-338)

OCT 10 1990

REPLY TO: 6W-E

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 176 161 379)

Mr. Allen J. Tiedman
Associate Director for Operations
University of California/Los Alamos National Laboratory
Los Alamos, New Mexico 87545

Re: Notice of Proposed Assessment of a Class I Civil Penalty
Docket No. VI-90-1642
NPDES Permit No. NM0028355

Dear Mr. Tiedman:

Enclosed is a document entitled "Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of a Civil Penalty, and Notice of Opportunity to Request a Hearing Thereon" (hereinafter the "Complaint"). We have filed this Complaint against the University of California as management contractor for operation of the Los Alamos National Laboratory under the authority of Section 309(g) of the Clean Water Act (hereinafter the "Act"), 33 U.S.C. § 1319(g). In the Complaint, the U.S. Environmental Protection Agency (EPA) alleges that the University of California/Los Alamos National Laboratory has violated various provisions of the Clean Water Act, its implementing regulations, and the terms of the NPDES permit issued under the authority of the Act. The violations the EPA is alleging are specifically set out in Section II of the Complaint.

By law, you have a right to request a hearing regarding the violations alleged in the Complaint and the proposed administrative civil penalty. Please pay particular attention to the Complaint Section IV entitled "Notice of Opportunity to Request a Hearing." Note that should you fail to request a hearing within thirty (30) days of your receipt of the Complaint, you will waive your right to such a hearing and, the proposed civil penalty may be assessed against you without further proceedings. You have the right to be represented by an attorney or to represent yourself at any stage of these proceedings.

9/11/90
6W-ET:ESPENCER:x6475:AE03:mmc10:9/4/90:03543

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Hartung
9/25

6C-W

Corley
10/2/90


10/9

Whether or not you request a hearing, we invite you to confer informally with the EPA concerning the alleged violations and the amount of the proposed penalty. You may represent yourself or be represented by an attorney at any conference, whether in person or by telephone. The EPA encourages all parties against whom it files a Complaint proposing assessment of a penalty to pursue the possibility of settlement as a result of an informal conference. If such a mutually satisfactory settlement can be reached, it will be formalized by the issuance of a Consent Agreement signed by you and by the Regional Administrator of EPA Region 6. The issuance of such a Consent Agreement shall constitute a waiver by you of your right to a hearing on, and to a Judicial appeal of, the agreed civil penalty.

A request for an informal conference does not extend the thirty (30) days by which you must request or waive a hearing on the proposed penalty assessment; the two procedures can be pursued simultaneously. If you have any questions, or wish to discuss the possibility of a settlement of this matter, please contact Mr. Everett A. Spencer, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, or telephone (214) 655-6475.

We urge your prompt attention to this matter.

Sincerely yours,

 Myron O. Knudson

Myron O. Knudson, P. E.
Director
Water Management Division (6W)

Enclosures

cc: Ms. Kathleen M. Sisneros
Chief, Surface Water Bureau
New Mexico Environmental Improvement

bcc: Gair (EN-338)
Ellison (6W-EA)
Meacham (6X)
Goetz (6X)
Read File (6W-EA)
Ayers (6E-H)
Lopez (6C-G)
Lassiter (EN-338)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF	§	DOCKET NO. VI-90-1642
	§	
UNIVERSITY OF CALIFORNIA	§	
LOS ALAMOS NATIONAL LABORATORY	§	
LOS ALAMOS, NEW MEXICO 87545	§	Proposal to Assess Class I
	§	Administrative Penalty Under CWA §
NPDES PERMIT NO. NM0028355	§	309(g)

ADMINISTRATIVE COMPLAINT,
FINDINGS OF VIOLATION,
NOTICE OF PROPOSED ASSESSMENT OF
A CIVIL PENALTY, AND NOTICE OF OPPORTUNITY
TO REQUEST A HEARING THEREON

I. Statutory Authority

The following Findings are made and Notices given under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 309(g) of the Clean Water Act (hereinafter the "Act"), 33 U.S.C. § 1319(g). The Administrator has delegated these authorities to the Regional Administrator of EPA Region 6 who re delegated these authorities to the Director of the Water Management Division of EPA Region 6, who hereby issues this Complaint and Notice.

II. Findings of Violation

1. The University of California as the operator of the Department of Energy owned Los Alamos National Scientific Laboratory, (hereinafter the "Respondent"), within the meaning of Section 502(5) of the Act, 33 U.S.C. §

1362(5), owns or operates a facility located at the Los Alamos National Laboratory, Los Alamos, New Mexico, 875457 which discharges pollutants to the water course in Sandia Canyon from the TA3 Power Plant, (Bldg. 22), a navigable water of the United States within the meaning of Section 502 of the Act, 33 U.S.C. § 1362. Respondent is, therefore, subject to the provisions of the Act, 33 U.S.C. § 1251 et seq.

2. The Respondent has violated Section 301(a) of the Act, 33 U.S.C. §, 1311(a), by violating condition Part I.A. of NPDES Permit No. NM0028355, which condition implements Section 402 of the Act, 33 U.S.C. § 1342 and which permit has been issued to the Respondent pursuant to Section 402 of the Act, 33 U.S.C § 1342, by discharging low pH water from Outfall 01A in violation of the permit as follows:

<u>Date</u>	<u>Parameter</u>	<u>Violation</u>	<u>Permit Limit</u>	<u>Quantity</u>
May 20, 1990	pH, min.	1.4 s.u.	6.0 s.u. min.	18,000 gal.
	pH, min.	3.9 s.u.	6.0 s.u. min.	2,000 gal.
May 21, 1990	pH, min.	2.2 s.u.	6.0 s.u. min.	15,000 gal.

3. EPA has consulted with the State of New Mexico regarding this proposed action by mailing a copy of this document to the appropriate State official and offering an opportunity for the State to consult with the EPA on this proposed penalty assessment.

III. Notice of Proposed Order Assessing A Civil Penalty

Based on the foregoing Findings of Violation and pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), EPA Region 6 hereby proposes to issue a Final Order Assessing Administrative Penalties to the Respondent assessing a penalty of \$20,000, which constitutes less than \$10,000 per violation cited above.

The proposed penalty amount was determined by the EPA after taking into account the nature, circumstances, extent and gravity of the violation or violations, the Respondent's prior compliance history, degree of culpability for the cited violations, any economic benefit and savings accruing to Respondent by virtue of the violations, and the Respondent's ability to pay the proposed penalty. All factors are identified at Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3). The Final Order Assessing Administrative Penalties may be issued thirty (30) days after Respondent's receipt of this Notice unless the Respondent, within that time, requests a hearing on this Notice pursuant to the following section.

IV. Notice of Opportunity to Request a Hearing

1. Respondent may, pursuant to Section 309(g), of the Act, 33 U.S.C. § 1319(g), request within thirty (30) days of receipt of this Notice, a hearing on the civil penalty assessment proposed herein. At the hearing the

Respondent may contest any material fact contained in the Findings of Violation at Section II above and the appropriateness of the proposed penalty described in Section III above. The procedures for the hearing, if one is requested, are set out in "Guidance on Class I Clean Water Act Administrative Penalty Procedures", a copy of which is attached hereto for your convenience.

2. Respondent must send any request for a hearing to:

Regional Hearing Clerk (6C-G)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

3. Be aware that should you request a hearing on this proposed penalty assessment, members of the public, to whom EPA is obligated to give notice of this proposed action, will have a right under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(B), to be heard and to present evidence on the appropriateness of the penalty assessment. Should you not request a hearing, EPA will issue a Final Order Assessing Administrative Penalties and only members of the public who commented on this proposal will have an additional thirty (30) days to petition EPA to set aside the Final Order Assessing Administrative Penalties and to hold a hearing thereon. Such a petition will only be granted and the hearing held if the petitioner's evidence is material and was not considered by EPA in the issuance of the Final Order Assessing Administrative Penalties.

cc: Mr. Jim Piatt, Chief
Surface Water Bureau
New Mexico Environment Department
P.O. Box 968
Santa Fe, New Mexico 8704-0968

Mr. Terry Bellows
Area Manager
Department of Energy
Los Alamos Area Office
Los Alamos, New Mexico 87544

Mr. Joe Vozella
DOE LLAO
528 - 35th Street
Los Alamos, New Mexico 87545

bcc: Ellison (6W-EA)
Spencer (6W-ET)
Meacham (6X)
Goetz (6X)
Read File (6W-EA)
Lassiter (EN-338)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF	§	DOCKET NO. VI-94-1051
	§	
UNIVERSITY OF CALIFORNIA	§	
	§	
PROCEEDINGS UNDER SECTION 309(a)(3),	§	
CLEAN WATER ACT,	§	
[33 U.S.C. § 1319(a)(3)],	§	ADMINISTRATIVE ORDER
In RE: NPDES PERMIT NO. NM0028355	§	

The following FINDINGS are made and Order issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (EPA) by the above referenced statute (hereinafter the Act) and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6.

I.

University of California, management contractor for operation at the Los Alamos National Laboratory (hereinafter the Co-Permittee) is a duly authorized discharger at the Department of Energy-owned facility in the State of New Mexico, the mailing address for which is the Los Alamos National Laboratory, P.O. Box 1663, Mailstop A-120, Los Alamos, New Mexico 87545.

II.

Pursuant to the authority of Section 402(a)(1) of the Act, 33 U.S.C. § 1342, Region 6 issued National Pollutant Discharge Elimination System (NPDES) Permit No. NM0028355 to the Permittee on January 30, 1990, with an effective date of

February 28, 1990. The permit authorizes the discharge of specified qualities and quantities of effluent to tributaries (ephemeral streams) of the Rio Grande Basin. The permit also requires the submission of Discharge Monitoring Reports (DMRs) and Noncompliance Reports.

III.

Part I.A. of the permit places certain limitations on the quantity and quality of effluent discharged by the Permittee. The relevant limitations follow and were effective during the time period in question:

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>		
	Daily avg. (lbs/day)	Daily avg. (mg/l)	Daily max. (mg/l)
<u>Outfall 02A (Industrial Discharge)</u>			
Flow (MGD)	N/A	Report	Report
Total Suspended Solids (TSS)	N/A	30	100
Total Copper	N/A	1.00	1.00
Total Iron	N/A	10	40
Total Phosphorus	N/A	20	40
Sulfite (as SO ₃)	N/A	6.0	9.0
Total Chromium	N/A		
pH			

Outfall 05A (Industrial Discharge)

Flow (MGD)	N/A	Report	Report
Chemical Oxygen Demand (COD)	N/A	150	250
TSS	N/A	30	45
pH	N/A	6.00	9.0

Outfall 04S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
Biochemical Oxygen Demand (BOD)	0.5	30	45, 7-day avg
TSS	0.5	30	90, 7-day avg
pH	N/A	6.0	9.0 max

Outfall 05S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD ₅	1.9	30	45, 7-day avg
TSS	1.9	30	45, 7-day avg

Outfall 03A

Oil	Not Permitted		
Total Phosphorus	N/A	5.0	5.0

Outfall 09S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD ₅	2.3	30	45, 7-day avg
TSS	2.3	30	45, 7-day avg
pH	N/A	6.0 min.	9.0 max

Outfall 10S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD ₅	1.4	30	45, 7-day avg
TSS	1.4	30	90, 7-day avg
pH	N/A	6.0 min.	9.0 max

Outfall 12S

BOD ₅	1.3	30	45
TSS	1.3	30	45
pH		6.0 s.u., min.	9.0 s.u., max

IV.

FINDINGS OF FACT

The National Enforcement Investigations Center (NEIC) conducted a multi-media inspection of Los Alamos National Laboratory (LANL) on August 2-12, 1993. The inspection noted 77 daily maximum limitation exceedances at industrial wastestream outfalls and the 13 maximum limitation exceedances at sanitary wastestream. These violations occurred during the January 1990 to January 1993 time period.

V.

FINDINGS OF VIOLATION

Based on information provided by EPA, NEIC, and the Permittee, the Regional Administrator, through the Director of the Water Management Division, finds that the Permittee has violated Part I.A. of the permit.

Violations of the Part I.A. of the permit are as follow:

<u>Date</u>	<u>Outfall</u>	<u>Parameter</u>	<u>Permit Limitation</u>	<u>Violation</u>	
01/90	06A073	Silver, daily max	1.0 mg/l	1.8	mg/l
03/90	05S	TSS, daily max	45 mg/l	52	mg/l
04/90	128	Iron, daily max	.10 lbs/day	.25	lbs/day
05/90	01S	TSS, daily max	45 mg/l	99	mg/l
06/90	01A	TSS, daily max	100 mg/l	682	mg/l
07/90	05A	Phosphorus, dly max	5.0 mg/l	9.5	mg/l
09/90	12S	BOD, daily max	45 mg/l	180	mg/l
10/90	03A	Cl ₂ , TRC	.5 mg/l	.7	mg/l
11/90	03A	TSS, daily max	100 mg/l	300	mg/l
12/90	03A	Phosphorus, dly max	5.0 mg/l	5.9	mg/l
02/91	03A	Phosphorus, dly max	5.0 mg/l	7.26	mg/l
03/91	03A	TSS, daily max	100 mg/l	2072	mg/l
04/91	03A	Cl ₂ , TRC	.5 mg/l	1.35	mg/l
06/91	05A	COD, daily max	200 mg/l	1010	mg/l
08/91	03A	pH, daily, min	6.0 s.u.	5.4	s.u.
09/91	02A	Phosphorus, dly max	40 mg/l	115	mg/l
10/91	02A	TSS, daily max	100 mg/l	1694	mg/l
11/91	02A	TSS, daily max	100 mg/l	451	mg/l
03/92	06A	Cyanide, daily max	.2 mg/l	.49	mg/l
04/92	03A	Cl ₂ , TRC	.5 mg/l	15.4	mg/l
08/92	03A	Phosphorus, dly max	5.0 mg/l	5.8	mg/l
09/92	02A	TSS, daily max	100 mg/l	155	mg/l
10/92	02A	TSS, daily max	100 mg/l	135	mg/l
11/92	03A	Phosphorus, dly max	5.0 mg/l	7.7	mg/l
12/92	02A	TSS, daily max	100 mg/l	128	mg/l
01/93	02A	TSS, daily max	100 mg/l	270	mg/l
03/93	02A	TSS, daily max	100 mg/l	526	mg/l
04/93	03A	Phosphorus, dly max	5.0 mg/l	6.3	mg/l
06/93	03A	TSS, daily max	100 mg/l	331	mg/l
10/93	06A	Cyanide, daily max	.2 mg/l	.35	mg/l
11/93	02A	TSS, daily max	100 mg/l	170	mg/l
12/93	03A	TSS, daily max	100 mg/l	335	mg/l
01/94	03A	TSS, daily max	100 mg/l	362	mg/l
02/94	128A	FC, 30-day max	.1 mg/l	.1427	mg/l

VI.

Issuance of this Order does not preclude the pursuit of additional enforcement action including additional administrative penalty orders, and/or civil or criminal judicial actions for the violations cited herein. Failure to reach a satisfactory solution to this matter at the meeting referenced under the ORDER portion of this document will result in an EPA administrative penalty or referral to the U.S. Department of Justice for judicial action with monetary fines.

ORDER

Based on the foregoing FINDINGS OF VIOLATION and pursuant to the authority vested in the Administrator under Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6, it is ordered:

A. That the Permittee, within thirty (30) days of the effective date of this Order, shall take whatever corrective action is necessary to eliminate and prevent recurrence of the effluent violations cited in the FINDINGS OF VIOLATION. In addition, the Permittee shall, within thirty (30) days of the effective date of this Order, submit a report detailing the specific actions taken and why such actions are sufficient to prevent recurrence of the effluent violations.

B. In the event the Permittee believes that complete correction of the previously cited noncomplying discharges is not physically possible within thirty (30) days of the effective date of this Order, the Permittee shall submit, within thirty (30) days of the effective date of this Order, a comprehensive plan for the expeditious elimination and prevention of such noncomplying discharges. Such plan shall provide for specific corrective actions to be taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible as well as pollution prevention measures that will keep the violations from recurring.

C. That the Permittee appear at the Region 6 offices of the United States EPA, 1445 Ross Avenue, 7th Floor, Dallas, Texas, before the undersigned or designee, to show cause why the Permittee has not complied with the mandate of Section 301 of the Act and to show cause why the EPA should not take further enforcement action against the Permittee.

D. The Permittee shall arrange a meeting with EPA to be held within forty-five (45) days in the receipt of this Order. The Permittee shall submit all written material relevant to the previously mentioned issues on which it intends to make its showing at least ten (10) days prior to the scheduled meeting.

Concurrently with such material, the Permittee shall submit to the EPA any proposed compliance schedule for achieving complete compliance with the permit.

To arrange the meeting and to provide any comments or questions concerning this matter, please contact Mr. Everett Spencer of our office at telephone (214) 655-8060.

The effective date of this Order shall be the date it is received by the Permittee.

DATED: This JUL 06 1994 day of _____, 1994.

MYRON O. KNUDSON, P.E.

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

JUN 16 1994

JUN 15 1994

DpJ

- ☒ 1 - Permit/CD
- ☒ 2 - AO & AO mail
- ☒ 3 - EIS's
- ☒ 4 - Vis. Suppl. Log
- ☒ 5 - NLR
- ☒ 6 - Correspondence
- ☒ 7 - CRIS
- ☒ Date Filed
- ☒ Clerk's Inits.

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 239 543 972)

Mr. Dennis J. Erickson
Division Director
Los Alamos National Laboratory
P.O. Box 1663, Mailstop A-120
Los Alamos, New Mexico 87545

*coded
6/16*

Re: Administrative Order Docket No. VI-94-1242
NPDES Permit No. NM0028355

Dear Mr. Erickson:

Violation of an NPDES permit requires the Environmental Protection Agency (EPA) to take appropriate enforcement action to assure compliance. Pursuant to the Clean Water Act (33 U.S.C. § 1251 et seq.), the enclosed Administrative Order is hereby served on you and University of California Corporation of the Los Alamos National Laboratory (LANL) for the Department of Energy (DOE) for the violations described therein. This Order replaces Administrative Order (AO) Docket No. VI-94-1210, which is hereby closed.

Compliance with the provisions of this Order is expected within the maximum time periods established by each part of the Order. Your cooperation and prompt attention will be appreciated. In response hereto, please reference Docket No. VI-94-1210 and your NPDES permit number, and send correspondence to the attention of Ms. Gladys-Gooden Jackson (6W-EAT). The violations cited in the referenced Order could result in the issuance of an EPA administrative penalty order or referral to the United States Department of Justice for judicial action with monetary fines.

This AO contains an extension to the 05A Outfall and the Waste Stream Characterization Project. It does not concur with the unfinalized FFCA, VI-92-1305, sent in final form for signature to the DOE in March 1993.

5/27 5/29 18 5/26

*(MO)
6/13*

It is the policy of EPA to achieve full compliance with the NPDES permit program as rapidly as possible. This office is prepared to help you in any way it can. If you have any questions, please contact Mr. Everett H. Spencer, EPA, Dallas, Texas at (214) 655-8060.

Sincerely yours,

MYRON O. KNUDSON, P.E.

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosure

cc: Mr. Jim Piatt, Chief
Surface Water Bureau
New Mexico Environment Department
P.O. Box 968
Santa Fe, New Mexico 87504-0968

Mr. Joe Vozella
DOE LIAO
528-35th St.
Los Alamos, New Mexico 87545

bcc: Ellison (6W-EA)
Meacham (6X)
Goetz (6X)
Read File (6W-EA)
Lassiter (EN-338)
Spencer (6W-ET)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF	§	DOCKET NO. VI-94-1242
	§	
THE UNIVERSITY OF CALIFORNIA	§	
	§	
PROCEEDINGS UNDER SECTION 309(a)(3),	§	
CLEAN WATER ACT,	§	
[33 U.S.C. § 1319(a)(3)],	§	ADMINISTRATIVE ORDER
In RE: NPDES PERMIT NO. NM0028355	§	

The following FINDINGS are made and Order issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (EPA) by the above referenced statute (hereinafter the Act) and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6.

I.

The University of California, management contractor for operation of the Los Alamos National Laboratory, (hereinafter the Co-Permittee) is a duly authorized discharger at the Department of Energy owned facility, the mailing address for which is the Los Alamos National Laboratory, P.O. Box 1663, Mailstop A-120, Los Alamos, New Mexico 87545.

II.

Pursuant to the authority of Section 402(a)(1) of the Act, 33 U.S.C. § 1342, Region 6 issued National Pollutant Discharge Elimination System (NPDES) Permit No. NM0028355 to the Co-Permittee on September 10, 1993, with an effective date of November 1, 1993. The permit authorizes the discharge of

specified qualities and quantities of effluent to various ephemeral streams which are reaches of Segment No. 2-111 and Segment No. 2-118 of the Rio Grande Basin. The permit also requires the submission of Discharge Monitoring Reports (DMRs) and Noncompliance Reports.

III.

Part I.A. of the permit places certain limitations on the quantity and quality of effluent discharged by the Co-Permittee. The relevant limitations follow:

Category 05A

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			
	<u>Mass(lbs/day)</u>		<u>Other units(specify)</u>	
	30 day avg.	Daily max.	Daily avg.	Daily max.
Flow (MGD)	N/A	N/A	(*1)	(*1)
Total Suspended Solids (TSS)	N/A	N/A	30 mg/l	45 mg/l
Oil & Grease (O&G)	N/A	N/A	15 mg/l	15 mg/l
Water Quality Parameters	N/A	N/A	(*2)	(*2)

The pH shall not be less than 6.0 standard units (s.u.) nor greater than 9.0 s.u. and shall be monitored once per three (3) months by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):
Prior to discharge at locations as shown in Part II, Paragraph F.

(*1) Report

(*2) See Part II, Paragraph L.

Administrative Order (AO) Docket No. VI-92-1306, issued
July 23, 1992, contains the following compliance schedules:

<u>Outfall 05A</u>	<u>Completion Date</u>
Complete Conceptual Design Report	July 1992
Complete Design Criteria	June 1993
Begin Line Item Project	October 1993
Complete Title I Design	July 1994
Complete Title II Final Design	July 1995
Advertisement of construction contract	August 1995
Award of construction contract	October 1995
Construction completion	September 1996

SCHEDULE FOR WASTE STREAM
IDENTIFICATION AND CHARACTERIZATION

<u>Sanitary Outfalls/Industrial Categories</u> (Number of outfalls in parentheses)	<u>Completion Date</u>
03A Treated Cooling Water (40)-100% Complete	July 1993
01S TA-3 Treatment Plant (1)-100% Complete	January 1993
051 TA-50 Rad Treatment Plant (1)-50% Complete	January 1993
07S TA-46N Lagoons (1)-100% Complete	April 1993
12S TA-46S Lagoons (1)-100% Complete	April 1993
04S TA-18 Lagoons (1)-100% Complete	January 1993
10S TA-35 Lagoons (1)-100% Complete	January 1993
09S TA-53 Lagoons (1)-100% Complete	July 1992
04A Non-Contact Cooling Water (49)-100% Complete	July 1993
051 TA-50 Rad Treatment Plant (1)-100% Complete	July 1993
05S TA-21 Treatment Plant (1)-100% Complete	July 1993

IV.

FINDINGS OF FACT

Administrative Order (AO) Docket No. VI-92-1306, issued July 23, 1992, established a compliance schedule for various projects at Los Alamos National Laboratory (LANL) in order to bring the facility into full compliance with NPDES Permit No. NM0028355. The projects have been completed with the exception of the HE wastewater Treatment Project (Category 05A) and the waste stream Characterization Project. The HE Wastewater Treatment Project, Title II Design and construction has been delayed one (1) year. This change in the schedule is reflected in Part A of the Order. The Waste Stream Characterization Surveys were completed on July 31, 1993, in accordance with the previous schedule. Projected dates for the final reports and corrective actions were submitted to the EPA in LANL's October 1993 Quarterly Reports. These dates are incorporated into the schedule portion of this Order.

V.

FINDINGS OF VIOLATION

Based on information provided by EPA, and the Co-Permittee, the Regional Administrator, through the Director of the Water Management Division, finds that the Co-Permittee has violated the HE Wastewater Project schedule for Outfall Category 05A contained in AO Docket No. VI-92-1306.

VI.

Issuance of this Order does not preclude the pursuit of additional enforcement action including additional administrative penalty orders, and/or civil or criminal judicial actions for the violations cited herein. If an EPA administrative penalty order is issued or a judicial action is initiated by the U.S. Department of Justice, you will be subject to a monetary fine.

ORDER

Based on the foregoing FINDINGS OF VIOLATION and pursuant to the authority vested in the Administrator under Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6, it is ordered:

A. That the Co-Permittee, shall comply with the following schedules. The specific activities will be completed and compliance achieved by the last day of the month of the completion date month.

<u>Description of Work</u>	<u>Completion Date</u>
Begin Line Item Project	January 1994
Complete Title I Design	July 1994
Complete Title II Design	July 1996
Advertisement of Construction	August 1996
Award of Construction	October 1996
Completion of Construction	September 1997
Achieve Compliance with final Permit Limitations	October 1997

Waste Stream Characterization Project

Description of Work

Completion Date

Completion of Waste Stream Final Reports
Complete 25% Corrective Actions
Corrective Actions
Completion 100% Corrective Actions
Achieve Compliance with Permit Limitations

March 1994
September 1994* Complete 50%
September 1995*
September 1996*
October 1996

* Preliminary Schedule

B. That the Co-Permittee report compliance or noncompliance with the requirements of (A) above, no later than fourteen (14) calendar days following the date of the specific action.

C. That the Co-Permittee, continue to submit quarterly progress reports until the final compliance date of the compliance schedule.

D. That all other terms and conditions of the permit are effective as issued and require full compliance.

The effective date of this Order shall be the date it is received by the Co-Permittee.

JUN 15 1994

DATED: This _____ day of _____, 1994.

MYRON O. KNUDSON, P.E.

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

SEP 16 1996

①
DG

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (Z 698 453 748)

Mr. Dennis J. Erickson
Division Director, ES&H
Los Alamos National Laboratory
P.O. Box 1663, Mailstop A-120
Los Alamos, NM 87545

Re: Administrative Order Docket No. VI-96-1236
NPDES Permit No. NM0028355

1 - Permit/CD
2 - AO & AO matl
3 - DMR's
4 - Viol. Sum. Log
5 - NCR
6 - Correspondence
7 - CRAS
Date Filed
Clerk's Initials

Dear Mr. Erickson:

Recent review of your NPDES file, indicates that your facility is not in compliance with your NPDES permit and/or the Clean Water Act (CWA). In order to ensure continued protection of public health and the environment, the Environmental Protection Agency (EPA) must take necessary steps to ensure compliance with applicable regulations and statutes.

Pursuant to the CWA (33 U.S.C. § 1251 et seq.), the enclosed Administrative Order (AO) sets forth the findings of fact and how you violated the Act. The Order also provides a mechanism for resolving these violations. All responses and reports required by the Order, should be submitted within the time frames provided. This Order replaces AO Docket No. VI-94-1242, which is hereby closed. In all responses, please reference AO Docket No. VI-96-1236 and your NPDES permit number, and send correspondence to the attention of Ms. Diana Gamble (6EN-WC).

The violations cited in the attached Order should be corrected within a reasonable time period. Our staff will assist you in any way possible to ensure that your facility returns to compliance.

As part of the enforcement process, EPA is authorized to require corrective action and, possibly, assess appropriate penalties. If penalties are assessed, the Agency will consider a number of factors, including the nature and magnitude of the violations, the period of noncompliance and the impact of the violations on human health, or the environment. By statute, the penalties assessed can be as much as \$25,000 per day. In order to avoid any such action, or to minimize the amount of penalties you may be assessed if further action is warranted, noncompliance should be corrected as soon as possible.

CONCURRENCES: 6EN-WT:SPENCER:x8060:AO:dwh19A:517:08/14/996:DG

6EN-WT

6EN-W

6EN-L

GRAHAM

MURPHY

BENTON

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (Z 698 453 748)

Mr. Dennis J. Erickson
Division Director, ES&H
Los Alamos National Laboratory
P.O. Box 1663, Mailstop A-120
Los Alamos, NM 87545

Re: Administrative Order Docket No. VI-96-1236
NPDES Permit No. NM0028355

Dear Mr. Erickson:

Recent review of your NPDES file, indicates that your facility is not in compliance with your NPDES permit and/or the Clean Water Act (CWA). In order to ensure continued protection of public health and the environment, the Environmental Protection Agency (EPA) must take necessary steps to ensure compliance with applicable regulations and statutes.

Pursuant to the CWA (33 U.S.C. § 1251 et seq.), the enclosed Administrative Order (AO) sets forth the findings of fact and how you violated the Act. The Order also provides a mechanism for resolving these violations. All responses and reports required by the Order, should be submitted within the time frames provided. This Order replaces Administrative Order (AO) Docket No. VI-94-1242, which is hereby closed. In all responses, please reference Docket No. VI-96-1236 and your NPDES permit number, and send correspondence to the attention of Ms. Diana Gamble (6EN-WC).

The violations cited in the attached Order, should be corrected within a reasonable time period. Our staff will assist you in any way possible, to ensure that your facility returns to compliance.

As part of the enforcement process, EPA is authorized to require corrective action and, possibly, assess appropriate penalties. If penalties are assessed, the Agency will consider a number of factors, including the nature and magnitude of the violations, the period of noncompliance and the impact of the violations on human health, or the environment. By statute, the penalties assessed can be as much as \$25,000 per day. In order to avoid any such action, or to minimize the amount of penalties you may be assessed if further action is warranted, noncompliance should be corrected as soon as possible.

CONCURRENCES: 6EN-WT: SPENCER: x8060: AO: dwh19A: 517: 08/14/96: DG

6EN-WT
GRAHAM

6EN-W
MURPHY

6EN-L
BENTON

9/1/96

9/5/96

This AO contains an extension to the Wastestream Characterization Project. A revised Federal Facilities Compliance Agreement has also been issued for Department of Energy's concurrence under separate cover.

Your cooperation and prompt attention will be appreciated. If you have any questions, please contact Mr. Everett Spencer, EPA, Dallas, Texas at (214) 665-8060.

Sincerely yours,
Original Signed By:
Samuel Coleman

Samuel Coleman, P.E.
Director
Compliance Assurance and
Enforcement Division (6EN)

Enclosure

cc: Mr. Jim Piatt, Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department

bcc: Black (6XA)
Whitten-Hill (6EN-WC)
R. File (6EN-W)
Spencer (6EN-WT)
Pesina (6EN-L)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF	§	DOCKET NO. VI-96-1236
	§	
THE UNIVERSITY OF CALIFORNIA	§	
	§	
PROCEEDINGS UNDER SECTION 309(a)(3),	§	
CLEAN WATER ACT,	§	
[33 U.S.C. § 1319(a)(3)],	§	ADMINISTRATIVE ORDER
In RE: NPDES PERMIT NO. NM0028355	§	

The following FINDINGS are made and Order issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (EPA) by the above referenced statute (hereinafter the Act) and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Compliance Assurance and Enforcement Division, Region 6.

I.

The University of California, management contractor for operation of the Los Alamos National Laboratory (hereinafter the Co-Permittee), is a duly authorized discharger at the Department of Energy owned facility, the mailing address for which is the Los Alamos National Laboratory, P.O. Box 1663, Mailstop A-120, Los Alamos, New Mexico 87545.

II.

Pursuant to the authority of Section 402(a)(1) of the Act, 33 U.S.C. § 1342, Region 6 issued National Pollutant Discharge Elimination System (NPDES) Permit No. NM0028355 to the Co-Permittee on September 10, 1993, with an effective date of

November 1, 1993. The permit authorizes the discharge of specified qualities and quantities of effluent to various ephemeral streams, which are reaches of Segment No. 2-111 and Segment No. 2-118 of the Rio Grande Basin. The permit also requires the submission of Discharge Monitoring Reports (DMRs) and Noncompliance Reports.

III.

Part I.A. of the permit, places certain limitations on the quantity and quality of effluent discharged by the Co-Permittee. Administrative Order (AO) Docket No. VI-94-1242, issued June 15, 1994, contains the following compliance schedule:

SCHEDULE FOR WASTE STREAM IDENTIFICATION AND CHARACTERIZATION

<u>Description of Work</u>	<u>Completion Date</u>
Completion of 100% Corrective Actions	September 1996
Achieve Compliance with Permit Limitations	October 1996

IV.

FINDINGS OF FACT

The Co-Permittee, in a July 26, 1996, letter, requested a six (6) month extension to the current schedule (above). The request is based on an incident that occurred in January 1996, that resulted in a near loss of life and a subsequent "stop work" order to the Waste Stream Characterization Project. As a result, the project shifted from the Operation and Maintenance Service Group, to the

Facility Project Delivery Group at the lab. This has resulted in a six (6) month delay in the project and the request for an extension.

V.

FINDINGS OF VIOLATION

Based on information provided to EPA, by the Co-Permittee, the Regional Administrator, through the Director of the Compliance Assurance and Enforcement Division, finds that the Co-Permittee will not be able to comply with the current compliance schedule, due to the factors in Part IV (above).

ORDER

Based on the foregoing FINDINGS OF VIOLATION and pursuant to the authority vested in the Administrator under Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Compliance Assurance and Enforcement Division, Region 6, it is ordered:

A. That the Co-Permittee, shall comply with the following schedule:

SCHEDULE FOR WASTESTREAM IDENTIFICATION AND CHARACTERIZATION

<u>Description of Work</u>	<u>Completion Date</u>
Completion of 100% Corrective Actions	March 31, 1997
Achieve Compliance with Permit Limitations	May 30, 1997

B. That the Co-Permittee report compliance or noncompliance with the requirements of (A) above, no later than fourteen (14) calendar days following the date of the specific action.


C. That the Co-Permittee continue to submit quarterly progress reports, until the final completion date of the schedule.

D. That all other terms and conditions of the permit are effective as issued and require full compliance.

The effective date of this Order shall be the date it is received by the Co-Permittee.

SEP 16 1996

DATED: This _____ day of _____, 1996.



Samuel Coleman, P.E.
Director
Compliance Assurance and
Enforcement Division (6EN)

DEC 10 1996

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (Z 698 453 886)

Mr. Dennis J. Erickson
Division Director, ES&H
Los Alamos National Laboratory
P.O. Box 1663, Mailstop A-120
Los Alamos, NM 87545

Re: Administrative Order Docket No. VI-96-1236
NPDES Permit No. NM0028355

①
DG

- ☒ 1 - Permit/CD
- ☒ 2 - AO & AO matt
- ☒ 3 - DMR's
- ☒ 4 - Vio. Sum. Log
- ☒ 5 - NCR
- ☒ 6 - Correspondence
- ☒ 7 - CRAS
- ☐ Date Filed
- ☐ Clerk's Inits

Dear Mr. Erickson:

Administrative Order (AO) Docket No. VI-96-1236, issued on September 16, 1996, contained the schedule for the ongoing Wastestream Characterization Project with the six-month extension, as requested by Los Alamos National Laboratory (LANL). Since the issuance of Order AO Docket No. VI-96-1236 closed the previous Order AO Docket No. VI-94-1242, it is necessary to addend the schedule part of the Order, to include the ongoing Outfall 05A (HE) schedule. The 05A schedule milestone dates are the same dates as contained in the previous order. Please consider the attached page with the Outfall 05A schedule, as an addendum to Order Docket No. VI-96-1236.

If you or your staff have any questions or concerns concerning the Outfall 05A schedule, please call Mr. Everett H. Spencer, of my staff, at (214) 665-8060.

Sincerely yours,

OSB

B.G.

Samuel Coleman, P.E.

Director

Compliance Assurance and
Enforcement Division (6EN)

Enclosure

cc: Mr. Jim Piatt, Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department

CONCURRENCES: 6EN-WT: SPENCER: x8060: LTR&ADD: 10/17/96: 0019: dwh22A

6EN-WT
GRAHAM
11/14/96

6EN-L
BENTON
11/15/96

bcc: Whitten-Hill (6EN-WC)
Black (6XA)
Read File (6EN-W)
Spencer (6EN-WO)
Pesina (6EN-L)
Gigger (6EN-ASH)

Outfall 05A

Description of Work

Completion Date

Award of Construction
Completion of Construction
Achieve Compliance with final
Permit Limitations

October 1996
September 1997
October 1997

APR 28 1989

REPLY TO: 6W-ET

Mr. Harold E. Valencia
Area Manager
Department of Energy
Los Alamos Area Office
Los Alamos, New Mexico 87544

Re: NPDES Permit No. NH0026385
Federal Facility Compliance Agreement (FFCA)

Dear Mr. Valencia:

Enclosed are three (3) replacement signed copies of the FFCA with EPA for your review and signature. These replacement copies of the original agreement, dated February 7, 1989, reflect the changes in wording that you have requested and wording changes that EPA has made to the new NPDES permit. These replacement copies do not change the interim limits or schedule of the original agreement, so you may continue with the remedial action as originally scheduled.


Please sign and date each of the copies in the place provided for EOC and the University of California and return one to EPA.

If you have any questions concerning the agreement, you may contact Mr. Bob Hiller at (214) 658-6475.

Sincerely yours,
/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosures

bcc: R. File (6W-E)
Hiller (6W-ET)
Highland (6E-FF)
Jackson (6W-EAT) 

cc: Mr. Richard Hitzelfelt, Director
Environmental Improvement Division of the
New Mexico Health and Environment Department
1190 St. Francis Drive
Santa Fe, New Mexico 87503

Mr. Allen J. Tiedman
University of California
Associate Director of Support
P.O. Box 1603, Mailstop A-120
Los Alamos, New Mexico 87545

1 - Permit/CD
2 - AO & AO matt
3 - DMR's
4 - Vio. Sum. Log
5 - NCR
6 - Correspondence
7 - CRAS
Date Filed
Clerk's Inits.

FFCA

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION VI

LOS ALAMOS NATIONAL
SCIENTIFIC LABORATORY
LOS ALAMOS, NEW MEXICO

and

U.S. ENVIRONMENTAL PROTECTION
AGENCY, REGION 6

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FEDERAL FACILITY
COMPLIANCE AGREEMENT

The Environmental Protection Agency, Region 6 (hereinafter Region 6), and the Department of Energy (hereinafter DOE), Los Alamos Area Office, and the regents of the University of California (hereinafter UC), are the parties to this agreement which is entered into pursuant to Executive Order 12088, October 13, 1978 [43 FR 47707]. The Office of Management and Budget and the Department of Justice will take cognizance of this agreement pursuant to their respective duties to assure compliance with the environmental laws under Executive Order 12088 and the particular statutes herein addressed.

I. SCOPE

- A. DOE owns the facility known as the Los Alamos National Scientific Laboratory (hereinafter the Laboratory). The Laboratory is operated by UC under contract with DOE.
- B. This agreement is entered into by the parties to assure compliance by UC and DOE with the Clean Water Act (CWA) [33 U.S.C. § 1251, et seq.] and implementing regulations, including the National Pollutant Discharge Elimination System (NPDES) Permit No. NM0028355 issued to UC and DOE.
- C. This agreement is not and shall not be construed as a permit under the CWA nor shall it relieve DOE or the UC of any legal obligations under the CWA which are in addition to or different from matters covered in this agreement.

II. AUTHORITIES

The duties of DOE are to assure that the wastewater treatment facilities are in compliance with the CWA are prescribed in Section 313 of the Clean Water Act [33 U.S.C. § 1323]. Executive Order 12088 was promulgated to ensure Federal compliance with applicable pollution control standards. This agreement contains a "plan," as described in Section 1-601 of Executive Order 12088, to achieve and maintain compliance with applicable water pollution control standards for the DOE facilities.

III. STATEMENT OF FACTS

The following facilities are owned by DOE, and operated by the UC, under contract with DOE:

Sanitary and Industrial Wastewater Treatment Plants, NPDES Permit No. NM0028355, currently produce effluents that cannot continually meet the current NPDES permit requirements. The schedule set forth in Attachment 1 contemplate achievement of compliance with this permit upon completion of construction projects with targeted construction start dates as shown in the schedule. The projects consist of new construction and rehabilitation of existing facilities.

IV. COMPLIANCE SCHEDULE

The compliance schedule set forth in Attachment 1 is intended to achieve compliance as expeditiously as practicable, pursuant to Section 1-601 of Executive Order 12088. The attachment is incorporated into and made a part of this agreement. The schedule was determined after consultation between the UC, DOE, and Region 6. The schedule contains interim requirements reflecting

design drawing submittal dates, bidding, contract award, construction completion, and start-up dates. UC and DOE will make a good-faith effort to comply with the schedule and, wherever reasonably possible, will expedite the schedule.

V. FUNDING

DOE shall request all funds and/or authorizations through the appropriate channels necessary to achieve the compliance schedule. Steps to be taken in seeking funding shall be consistent with Sections 1-4 and 1-5 of Executive Order 12088 as implemented by the Office of Management and Budget Circular A-106 (as amended). The schedule is subject to obtaining the requisite funds and/or authorizations for the particular programs and Laboratory divisions involved.

VI. REPORTING REQUIREMENTS

- A. UC and DOE shall submit a quarterly progress report by the last day of each calendar quarter beginning on March 31, 1989, and until the final compliance date as set forth in the schedule. The progress reports will be submitted to Region 6 and the New Mexico Environmental Improvement Division. The progress reports shall indicate compliance or noncompliance with the schedule. In the event of noncompliance, the report shall include the cause of noncompliance and any remedial actions taken. If delay is anticipated in meeting any schedule date, UC and DOE shall immediately notify Region 6, in writing, of the anticipated delay, describing in detail the anticipated length of delay, the precise cause of the delay, the measures taken by UC and DOE to prevent or minimize the delay and the time table by which the measures shall be implemented. The UC and DOE will take reasonable action to minimize any delay.

However, if DOE believes delay is unavoidable, the EPA Region 6 Water Management Division Director and the UC Associate Director of Support and the DOE Area Manager shall undertake to negotiate, in good faith, a revised compliance schedule. If they fail to agree upon a revised schedule, the EPA Water Management Division Director shall determine what schedule shall apply. If the UC or DOE disagree with this determination, the conflict resolution procedure described herein shall control.

- B. In the event there is an amendment of the CWA, or changes to the regulations promulgated under those statutes, the discharge limits and compliance schedule may be renegotiated to reflect these changes. Such renegotiation shall be governed by Executive Order 12088. During the pendency of any renegotiation, the attached compliance schedule, to the extent it does not conflict with statutory or regulatory changes, shall remain in effect unless specifically waived by Region 6.
- C. On the date for final compliance, as shown in the schedule, compliance with applicable permit requirements must be demonstrated by testing and positive reporting of the achievement of compliance, rather than by the mere completion of construction of pollution abatement facilities.
- D. Upon the demonstration of compliance by UC and DOE, there will be a continuing obligation to comply with applicable permit requirements under the CWA. These requirements are embodied in the UC and DOE NPDES permit under the CWA.

VII. CONFLICT RESOLUTION

In the event of any conflict involving violations of this agreement, Region 6 UC and DOE will attempt to resolve the differences. If the differences cannot be resolved by the parties, the procedures in Sections 1-602, 1-603, and 1-604 of Executive Order 12088 shall apply.

VIII. SANCTIONS

- A. In the event of violations of the terms of this agreement by UC or DOE, enforcement procedures established by the CWA are available as enforcement mechanisms.
- B. Provided the attached Compliance Schedule and Interim Limits are met, this agreement is considered to be in lieu of any other EPA enforcement action with regard to the facilities and deficiencies named in Attachment 1.

This agreement in no way modifies Section 504 of the CWA. The effective date of this agreement is the date it is signed by UC and DOE.

Date: _____

Signed: _____

Allen J. Tiedman
Associate Director of Support
University of California

Date: _____

Signed: _____

Harold E. Valencia
Area Manager
Los Alamos Area Office
Department of Energy

/s/ Myron O. Knudson

MAY 01 1989

Date: _____

Signed: _____

Myron O. Knudson, P.E.
Director
Water Management Division
Environmental Protection Agency
Region 6

Attachment 1

DISCHARGE LIMITS AND COMPLIANCE SCHEDULE
FOR
SANITARY AND INDUSTRIAL WASTEWATER TREATMENT PLANTS

A. Current NPDES Permit Limits

<u>Effluent Characteristic</u>	<u>Discharge Limitation</u>		
	<u>Daily Avg.</u> (lbs/day)	<u>Daily Avg.</u> (mg/l)	<u>Daily Max.</u> (mg/l)
<u>Outfall 05A</u>			
Flow (MGD)	N/A	Report	Report
Chemical Oxygen Demand (COD)	N/A	150	250
Total Suspended Solids (TSS)	N/A	30	45
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 09S</u>			
Flow (MGD)	N/A	Report	Report
Biochemical Oxygen Demand (BOD ₅)	2.3	30	45, 7-day avg.
TSS	2.3	30	45, 7-day avg.
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 04S</u>			
Flow (MGD)	N/A	Report	Report
BOD ₅	0.5	30	45, 7-day avg.
TSS	0.5	30	90, 7-day avg.
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 02A</u>			
Flow (MGD)	N/A	Report	Report
TSS	N/A	30	100
Total Copper	N/A	1.00	1.00
Total Iron	N/A	10	40
Total Phosphorus	N/A	20	40
Sulfite (as SO ₃)	N/A	35	70
Total Chromium	N/A	Report	Report
pH	N/A	6.0 min.	9.0 max.

B. Interim Effluent Limits

The following limits shall be in effect until the final compliance date in the compliance schedule:

Effluent CharacteristicsDischarge Limitation

	Daily Avg. (lbs/day)	Daily Avg. (mg/l)	Daily Max. (mg/l)
--	-------------------------	----------------------	----------------------

Outfall 05A

Flow (MGD)	N/A	Report	Report
COD	N/A	650	1000
TSS	N/A	60	90
pH	N/A	6.0 min.	9.0 max.

Outfall 09S

Flow (MGD)	N/A	Report	Report
BOD ₅	42	70	160, 7-day avg.
TSS	54	90	150, 7-day avg.
pH		5.5 min.	11.0 max.

Outfall 04S

Flow (MGD)	N/A	Report	Report
BOD ₅	2.5	60	90, 7-day avg.
TSS	2.5	60	150, 7-day avg.
pH	N/A	5.5 min.	11.0 max.

Outfall 02A

Flow (MGD)	N/A	Report	Report
TSS	N/A	180	250
Total Iron	N/A	20	60
Total Copper	N/A	2	2
Total Phosphorus	N/A	30	60
Sulfite (As SO ₃)	N/A	45	80
Total Chromium	N/A	Report	Report
pH		6.0 min.	9.0 max.

UC and DOE will continue to report all values on the monthly discharge monitoring reports, as well as, noncompliance notification if these limits are exceeded. The existing treatment facilities will be operated at maximum efficiency to achieve interim limits to the maximum extent possible during the period prior to the compliance date identified.

C. Compliance Schedule

The following milestone dates (the last date of the months identified) are the agreed dates by which the specified activities will be completed:

Outfall 02A

Final design complete	December 1988
Advertisement of construction contract	February 1989
Award of construction contract	April 1989
Construction completion	September 1989
In compliance with final limits	October 1989

Outfall 04S

Final design complete	October 1989
Advertisement of construction contract	December 1989
Award of construction contract	February 1990
Construction completion	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits	July 1992

Outfall 05A

Final design complete	December 1988
Advertisement of construction contract	February 1989
Award of construction contract	April 1989
Construction completion	August 1989
In compliance with final limits	October 1989

Outfall 09S

Final design complete	October 1989
Advertisement of construction contract	December 1989
Award of construction contract	February 1990
Construction completion	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits	July 1992

U.S. DEPARTMENT OF ENERGY
LOS ALAMOS NATIONAL
LABORATORY
LOS ALAMOS AREA OFFICE

U.S. ENVIRONMENTAL PROTECTION
AGENCY, REGION 6

DOCKET NO. VI-91-1328

I. SCOPE

- A. DOE owns the facility known as the Los Alamos National Scientific Laboratory (hereinafter the Laboratory). The Laboratory is operated by the University of California (UC) under contract with DOE.
- B. This agreement is entered into by the parties to assure compliance by DOE with the Clean Water Act (CWA) [33 U.S.C. § 1251, et seq.] and implementing regulations, including the National Pollutant Discharge Elimination System (NPDES) Permit No. NM0028355 issued to UC and DOE.
- C. This agreement is not and shall not be construed as a permit under the CWA nor shall it relieve DOE or the UC of any legal obligations under the CWA which are in addition to or different from matters covered in this agreement.

II. AUTHORITIES

The duties of DOE and the UC are to assure that the wastewater treatment facilities are in compliance with the CWA are prescribed in Section 313 of the Clean Water Act [33 U.S.C. § 1323]. Executive Order 12088 was promulgated to ensure Federal compliance with applicable pollution control standards. This agreement contains a "plan," as described in Section 1-601 of Executive Order 12088, to achieve and maintain compliance with applicable water pollution control standards for the DOE facilities.

III. STATEMENT OF FACTS

The following facilities are owned by DOE, and operated by the UC, under contract with DOE:

Sanitary and Industrial Wastewater Treatment Plants, NPDES Permit No. NM0028355, currently produce effluents that cannot continually meet the current NPDES permit requirements. The schedule set forth in Attachment 1 contemplate achievement of compliance with this permit upon completion of construction projects with targeted construction start dates as shown in the schedule. The projects consist of new construction and rehabilitation of existing facilities.

IV. COMPLIANCE SCHEDULE

The compliance schedule set forth in Attachment I is intended to achieve compliance as expeditiously as practicable, pursuant to Section 1-601 of Executive Order 12088. The attachment is incorporated into and made a part of this agreement. The schedule was determined after consultation between DOE and Region 6. The schedule contains interim requirements reflecting

design drawing submittal dates, bidding, contract award, construction completion, and start-up dates. DOE will make a good-faith effort to comply with the schedule and, wherever reasonably possible, will expedite the schedule.

V. FUNDING

DOE shall request all funds and/or authorizations through the appropriate channels necessary to achieve the compliance schedule. Steps to be taken in seeking funding shall be consistent with Sections 1-4 and 1-5 of Executive Order 12088 as implemented by the Office of Management and Budget Circular A-106 (as amended). The schedule is subject to obtaining the requisite funds and/or authorizations for the particular programs and Laboratory divisions involved.

VI. REPORTING REQUIREMENTS

- A. DOE shall submit a quarterly progress report by the last day of each calendar quarter beginning on March 31, 1989, and until the final compliance date as set forth in the compliance schedule. The progress reports will also include the status of compliance with the waste stream Identification and Characterization Schedule and be submitted to Region 6 and the New Mexico Environmental Improvement Division. The progress reports shall indicate compliance or noncompliance with the schedules. In the event of noncompliance, the report shall include the cause of noncompliance and any remedial actions taken. If delay is anticipated in meeting any schedule date, DOE shall immediately notify Region 6, in writing, of the anticipated delay, describing in detail the anticipated length of delay, the precise cause of the delay, the measures taken by DOE

to prevent or minimize the delay and the time the time table by which the corrective measures shall be implemented.

The UC and DOE will take reasonable action to minimize any delay.

However, if DOE believes delay is unavoidable, the EPA Region 6 Water Management Division Director and the DOE Area Manager shall undertake to negotiate, in good faith, a revised compliance schedule. If they fail to agree upon a revised schedule, the EPA Water Management Division Director shall determine what schedule shall apply. If the DOE disagree with this determination, the conflict resolution procedure described herein shall control.

- B. In the event there is an amendment of the CWA, or changes to the regulations promulgated under those statutes, the discharge limits and compliance schedule may be renegotiated to reflect these changes. Such renegotiation shall be governed by Executive Order 12088. During the pendency of any renegotiation, the attached compliance schedule, to the extent it does not conflict with statutory or regulatory changes, shall remain in effect unless specifically waived by Region 6.
- C. On the date for final compliance, as shown in the schedule, compliance with applicable permit requirements must be demonstrated by testing and positive reporting of the achievement of compliance, rather than by the mere completion of construction of pollution abatement facilities.

D. Upon the demonstration of compliance by DOE, there will be a continuing obligation to comply with applicable permit requirements under the CWA. These requirements are embodied in the UC and DOE NPDES permit under the CWA.

VII. CONFLICT RESOLUTION

In the event of any conflict involving violations of this agreement, Region 6 and DOE will attempt to resolve the differences. If the differences cannot be resolved by the parties, the procedures in Sections 1-602, 1-603, and 1-604 of Executive Order 12088 shall apply.

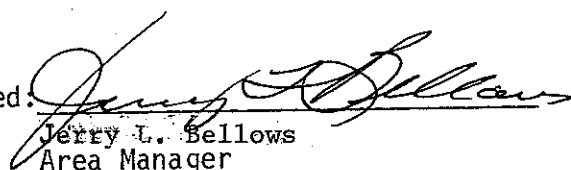
VIII. SANCTIONS

In the event of violations of the terms of this agreement by DOE, enforcement procedures established by the CWA are available as enforcement mechanisms.

This agreement in no way modifies Section 504 of the CWA. The effective date of this agreement is the date it is signed by DOE.

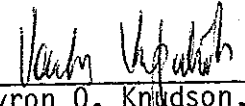
Date: _____

Signed: _____


Jerry L. Bellows
Area Manager
Los Alamos Area Office
Department of Energy

Date: AUG 29 1991

Signed: _____


Myron O. Knudson, P.E.
Director
Water Management Division
Environmental Protection Agency
Region 6

Attachment I

DISCHARGE LIMITS AND COMPLIANCE SCHEDULE
FOR
SANITARY AND INDUSTRIAL WASTEWATER TREATMENT PLANTS

A. Current NPDES Permit Limits

<u>Effluent Characteristic</u>	<u>Discharge Limitation</u>		
	<u>Daily Avg.</u> (lbs/day)	<u>Daily Avg.</u> (mg/l)	<u>Daily Max.</u> (mg/l)
<u>Outfall 02A (Industrial Discharge)</u>			
Flow (MGD)	N/A	Report	Report
TSS	N/A	30	100
Total Copper	N/A	1.00	1.00
Total Iron	N/A	10	40
Total Phosphorus	N/A	20	40
Sulfite (as SO ₃)	N/A	35	70
Total Chromium	N/A	Report	Report
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 03A</u>			
Oil		Not Permitted	
Total Phosphorus	N/A	5.0	5.0
<u>Outfall 05A (Industrial Discharge)</u>			
Flow (MGD)	N/A	Report	Report
Chemical Oxygen Demand (COD)	N/A	150	250
Total Suspended Solids (TSS)	N/A	30	45
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 01S</u>			
Fecal Coliform (FC) Bacteria colonies/100 ml	N/A	1000	2000
<u>Outfall 04S (Sanitary Discharge)</u>			
Flow (MGD)	N/A	Report	Report
Biochemical Oxygen Demand (BOD ₅)	0.5	30	45, 7-day avg.
TSS	0.5	30	90, 7-day avg.
pH	N/A	6.0 min.	9.0 max.

Outfall 05S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD ₅	1.9	30	45, 7-day avg.
TSS	1.9	30	45, 7-day avg.
pH	N/A	6.0 min.	9.0 max.

Outfall 09S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD ₅	2.3	30	45, 7-day avg.
TSS	2.3	30	45, 7-day avg.
pH	N/A	6.0 min.	9.0 max.

Outfall 10S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD	1.4	30	45, 7-day avg.
TSS	1.4	30	90, 7-day avg.
pH	N/A	6.0, min.	9.0, max.

Outfall 12S

BOD	1.3	30	45
TSS	1.3	30	45
pH	6.0 s.u., min.		9.0 s.u., max.

B. Interim Effluent Limits

The following limits shall be in effect until the final compliance date specific outfall in the compliance schedule:

Effluent CharacteristicsDischarge Limitation

Daily Avg. (lbs/day)	Daily Avg. (mg/l)	Daily Max. (mg/l)
-------------------------	----------------------	----------------------

Outfall 02A

Flow (MGD)	N/A	Report	Report
TSS	N/A	180	250
Total Iron	N/A	20	60
Total Copper	N/A	2	2
Total Phosphorus	N/A	30	60
Sulfite (As SO ₃)	N/A	45	80

iii

Total Chromium	N/A	Report	Report s.u.
pH		6.0 s.u. min.	9.0 s.u. max.
pH/Outfall 02A-007		6.0 s.u. min	11.5 s.u. max.

Outfall 03A

Total phosphorus	N/A	20	40
Oil (Outfall 03A-023, Storm Drain)		Trace Allowable	

Outfall 05A

Flow (MGD)	N/A	Report	Report
COD	N/A	650	1000
TSS	N/A	60	90
pH	N/A	6.0 s.u., min. 9.0 s.u., max.	

Outfall 04S

Flow (MGD)	N/A	Report	Report
BOD ₅	2.5	100	175, 7-day avg.
TSS	2.5	100	200, 7-day avg.
pH	N/A	5.5 s.u. min.	11.5 s.u., max.

Outfall 05S

Flow (MGD)	N/A	Report	Report
BOD	12.5	100	175, 7-day avg.
TSS	12.5	150	200, 7-day avg.
pH	N/A	5.5 s.u. min. 11.5 s.u. max.	

Outfall 09S

Flow (MGD)	N/A	Report	Report
BOD ₅	94	100	175, 7-day avg.
TSS	94	150	200, 7-day avg.
pH		5.5 s.u. min. 11.5 s.u. max.	

Outfall 10S

Flow (MGD)	N/A	Report	Report
BOD	94	100	175, 7-day avg.
TSS	94	150	200, 7-day avg.
pH	N/A	5.5 s.u. min. 11.5 s.u. max.	

Outfall 12S

BOD	2.5	100	175, 7-day avg.
TSS	2.5	100	200, 7-day avg.
pH	N/A	5.5 s.u. min.	11.5 s.u. max.

UC and DOE will continue to report all values on the monthly discharge monitoring reports, as well as, noncompliance notification if these limits are exceeded. The existing treatment facilities will be operated at maximum efficiency to achieve interim limits to the maximum extent possible during the period prior to the compliance date identified.

C. Compliance Schedule

The following milestone dates (the last date of the months identified) are the agreed dates by which the specified activities will be completed:

Outfall 02A

Final design complete	December, 1988
Advertisement of Construction contract	February, 1989
Award of construction contract	April, 1989
Construction completion	September, 1989
In compliance with final limits	October, 1989 (Completed)

Outfall 02A - 007

Final design complete	April 1, 1991 (Completed)
Construction completion	September, 1991
In compliance with final limits	October, 1991

Outfall 03A

Study Complete	September, 1991
Corrective Actions Complete	March, 1992
In Compliance with Final Limits	July, 1992

Outfall 03A-023

Complete Waste Stream Characterization	
Storm Drainage System	October, 1991
Complete Other Corrective Actions	October, 1991
In Compliance with Final Limits	January, 1992

Outfall 05A

Final design complete	December, 1988
Advertisement of construction contract	February, 1989
Award of construction contract	April, 1989
Construction completion	August, 1989
In compliance with final limits	October, 1989 (Completed)

Outfall 04S

Final design complete	June, 1990 (Completed)
Advertisement of construction contract	September, 1990 (Completed)
Award of construction contract	December, 1990 (Completed)
Construction completion	January, 1992
Special facilities completion and facility start-up ...	June, 1992
In compliance with final limits	July, 1992

Outfall 05S

Final design complete	August 1990 (Completed)
Advertisement of construction contract	September 1990 (Completed)
Award of construction contract	December 1990 (Completed)
Construction completion	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits	July 1992

Outfall 09S

Final design complete	March 1991 (Completed)
Advertisement of construction contract	January 1992
Award of construction contract	March 1992

Construction completion July 1992
 Special facilities completion and facility start-up ... July 1992
 In compliance with final limits August 1992

Outfall 10S

Final design complete June 1990
 (Completed)
 Advertisement of construction contract September 1990
 (Completed)
 Award of construction contract December 1990
 (Completed)
 Construction completion January 1992
 Special facilities completion and facility start-up ... June 1992
 In compliance with final limits July 1992

Outfall 125Phase IPhase II

Final Design Complete	July 1990 (Completed)	November 1990 (Completed)
Advertisement of		
Construction	September 1990 (Completed)	March 1991 (Completed)
Award of Contract	December 1990 (Completed)	May, 1991 (Completed)
Construction Completion	June 1992	June, 1992
In Compliance with		
Final Limits	July 1992	N/A

SCHEDULE FOR WASTE STREAM
IDENTIFICATION AND CHARACTERIZATION

<u>Sanitary Outfalls/Industrial Categories</u> (Number of outfalls in parentheses)		<u>Completion Date</u>
01A	TA-3 Power Plant (1)-100% Complete	October, 1991
02A	Boiler Blowdown (2)-100%	
05A	H.E. Wastewater (21)-50%	October, 1991
06A	Photo Wastewater (13)-100%	
128	Printed Circuit Board (1)-100%	
03A	Treated Cooling Water (40)-100%	January, 1992
04A	Non-Contract Cooling Water (49)-50%	
05A	H.E. Wastewater (21)-100%	April, 1992
02S	TA-9 Lagoon (1)-100%	
03S	TA-16 Treatment Plant (1)-100%	
01S	TA-3 Treatment plant (1)-100%	July, 1992
051	TA-50 Rad Treatment Plant (1)-50%	
07S	TA-46N Lagoons (1)-100%	October, 1992
12S	TA-46S Lagoons (1)-100%	
04S	TA-18 Lagoons (1)-100%	January, 1993
10S	TA-35 Lagoons (1)-100%	
09S	TA-53 Lagoons (1)-100%	April, 1993
04A	Non-Contact Cooling Water (49)-100%	July, 1993
051	TA-50 Rad Treatment Plant (1)-100%	
05S	TA-21 Treatment Plant (1)-100%	

OCT 08 1996

REPLY TO: 6EN-WT

Mr. Earl W. Bean
Area Manager
U.S. Department of Energy
Los Alamos, NM 87544

Re: NPDES Permit No. NM0028355
~~Federal Facilities Compliance Agreement (FFCA)~~
Docket No. VI-96-1237

Dear Mr. Bean:

The enclosed Federal Facilities Compliance Agreement (FFCA) is ready for your review and signature. The compliance schedules in the document have been revised and are in agreement with the ongoing activities at LANL.

One (1) signed original of the FFCA is enclosed. Please sign and date the agreement and return to the Environmental Protection Agency.

If any questions arise concerning this agreement, please contact Mr. Everett H. Spencer, of my staff, at (214) 665-8060.

Sincerely yours,
Original Signed By:
Samuel Coleman

Samuel Coleman, P.E.
Director
Compliance Assurance and
Enforcement Division (6EN)

Enclosure: FFCA

cc: Mr. Glenn Saums
Water Surface Bureau
New Mexico Environment Department
P.O. Box 968
Santa Fe, NM 87504-0968

Mr. Dennis J. Erickson
Division Director, ES&H
Los Alamos National Laboratory
P.O. Box 1663, Mailstop A-130
Los Alamos, NM 87545

bcc: Reading File (6EN-W)

1 - Permit/CD
2 - AO & AO matl
3 - DMR's
4 - Vio. Sum. Log
5 - NCR
6 - Correspondence
7 - CRAS
Date Filed
Clerk's Init

REPLY TO: 6EN-WT

Mr. Earl W. Bean
Area Manager
U.S. Department of Energy
Los Alamos, NM 87544

Re: NPDES Permit No. NM0028355
Federal Facilities Compliance Agreement (FFCA)
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Sincerely yours,

Samuel Coleman, P.E.
Director
Compliance Assurance and
Enforcement Division (6EN)

Enclosure: FFCA

cc: SEE NEXT PAGE

CONCURRENCE: 6W-ET: ESPENCER: x8060: FFCA-ltr: mmc-20a: 8/16/96: 525

6EN-WT	6EN-W	6EN-L			
GRAHAM	MURPHY	BENTON			

cc: Mr. Glenn Saums
Water Surface Bureau
New Mexico Environment Department
P.O. Box 968
Santa Fe, NM 87504-0968

Mr. Dennis J. Erickson
Division Director, ES&H
Los Alamos National Laboratory
P.O. Box 1663, Mailstop A-130
Los Alamos, NM 87545

bcc: Reading File (6EN-W)

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 6

U.S. DEPARTMENT OF ENERGY	§	DOCKET NO. VI-96-1237
LOS ALAMOS NATIONAL LABORATORY	§	
LOS ALAMOS, NEW MEXICO	§	
and	§	FEDERAL FACILITY
U.S. ENVIRONMENTAL PROTECTION	§	COMPLIANCE AGREEMENT
AGENCY, REGION 6	§	

I. PRELIMINARY STATEMENT

The United States Environmental Protection Agency, Region 6 (hereinafter EPA), and the United States Department of Energy, (hereinafter DOE) Los Alamos National Laboratory, Los Alamos Area Office, are the Parties to this Federal Facility Agreement (Agreement), which is entered into pursuant to Executive Order 12088, October 13, 1978 [43 Fed. Reg. 47707]. This Agreement supersedes the previous Federal Facility Compliance Agreement VI-92-1305 dated March 11, 1993. The authority to issue and enter into this Agreement is vested in the Administrator of the U.S. Environmental Protection Agency by Section 309 (a) of the Federal Water Pollution Control Act, (also known as the Clean Water Act and referred to in this Agreement as the "Clean Water Act" or "CWA"), 33 U.S.C. § 1319 (a), which authority has been delegated to the Regional Administrator of Region 6 and further delegated to the Director, Compliance Assurance and Enforcement Division, Region 6 (Complainant). The Office of Management and Budget and the Department of Justice will take cognizance of

this Agreement pursuant to their respective duties to assure compliance with the environmental laws under Executive Order 12088 and the CWA, 33 U. S. C. § 1251, et. seq.

Executive Order 12088 was promulgated to insure Federal compliance with applicable pollution control standards. This Agreement constitutes a "plan", as described in Section 1-601 of Executive Order 12088, to achieve and maintain compliance with applicable CWA standards, including the National Pollutant Discharge Elimination System (NPDES), 33 U.S.C. § 1251, et. seq., at Los Alamos National Laboratory ("Respondent" is DOE, "Facility" is LANL).

II. Enforceability

For purposes of this Agreement and all subsequent proceedings, it is agreed that EPA has the jurisdictional authority to require Respondent to perform the activities specified in this Agreement. The Department of Energy recognizes its obligations to comply with the CWA, as amended, 33 U.S.C. § 1251, et. seq.

The provisions of this Agreement, including those related to statutory requirements, regulations, permits, or corrective action, including recordkeeping, reporting and schedules of compliance, shall be enforceable under citizen suits pursuant to Section 505 of the CWA, 33 U.S.C. § 1365, including actions or

suits by the State of New Mexico and its agencies. The Respondent agrees that the State of New Mexico and its agencies are a "person" within the meaning of Section 502 of the CWA, 33 U.S.C. § 1362.

In the event of any action(s) filed under Section 505 of the CWA, 33 U.S.C. § 1365, alleging any violation of any such requirement of this Agreement, it shall be presumed that the provisions of this Agreement including those provisions which address recordkeeping, reporting, and schedules of compliance, are related to statutory requirements, regulations, permits, or corrective action, and are thus enforceable under Section 505 of the CWA, 33 U.S.C. § 1365.

III. BINDING EFFECT

This Agreement shall apply to and be binding upon the Complainant, the United States Environmental Protection Agency, the Respondent, the United States Department of Energy, and all successors or assigns of the named Parties, as well as upon all persons, firms and other legally cognizable entities in active concert or participation with the Parties for the purpose of performing pursuant to the Agreement.

IV. OBJECTIVES

All plans, studies, construction, maintenance and monitoring programs and other obligations, shall be implemented in a manner calculated to bring the Respondent into compliance with the permit as well as with provisions of other applicable federal, state and local laws and regulations governing the discharge of pollutants into the waters of the United States.

V. DEFINITIONS

Except as provided below, the definition provided in the CWA and its implementing regulations shall control the meaning of the terms used in this Agreement.

A. "DOE" shall mean the United States Department of the Energy, its agents, successors and/or assigns.

B. "Complainant" shall mean the Compliance Assurance and Enforcement Division Director, U.S. Environmental Protection Agency, Region 6.

C. "CWA" shall mean the Clean Water Act, as amended, 33 U.S.C. § 1251, et. seq.

D. "Days" shall mean calendar days unless otherwise specified. In the event due date is a Saturday, Sunday or a federal holiday, the due date shall be the next day that is not a Saturday, Sunday or federal holiday.

E. "EPA" shall mean the United States Environmental Protection Agency, its agents, successors and/or assigns.

F. "Parties" shall mean the EPA and Los Alamos National Laboratory (LANL).

G. "Respondent" shall mean the Department of Energy (DOE), Los Alamos Area Office of Los Alamos National Laboratory.

H. "LANL" or "Facility" shall mean Los Alamos National Laboratory located in Los Alamos, New Mexico.

I. "UC" shall mean the Regents of the University of California (UC) which is responsible for the day to day operations at LANL.

VI. STATEMENT OF FACTS

A. The United States Department of Energy (DOE) owns the facility known as LANL, which is located in Los Alamos, New Mexico. The laboratory is operated by the UC under contract with DOE.

B. NPDES Permit No. NM0028355 ("the permit") was issued to LANL on September 10, 1993, with an effective date of August 1, 1994, and expiration date of October 10, 1998. The permit authorizes discharges from Sanitary and Industrial

Wastewater Treatment Plants at LANL to receiving waters, in accordance with effluent limitations, monitoring requirements and other conditions specified in the permit.

C. The Sanitary and Industrial Wastewater Treatment Plants ("facilities") are a "point source" as defined in Section 502(14) of the CWA, 33 U.S.C. § 1362 (14). These facilities which are subject to the permit, currently produce effluents that cannot continually meet the current NPDES permit requirements.

D. The EPA, on June 15, 1994, issued Administrative Order Docket No. VI-94-1242. The Order cites UC for violations of a previous Order, and orders UC to comply with schedules to achieve compliance as expeditiously as possible.

E. The UC in a July 26, 1996, letter and a prior meeting at LANL has requested a six (6) month extension to the Waste Stream Characterization Project (WSC). This request is due to a near fatal accident that occurred in January 1996, at the facility during a portion of the WSC Project construction. The EPA is in the process of issuing a revised Schedule AO with a six (6) month extension.

VII. EFFLUENT LIMITS AND COMPLIANCE SCHEDULE

The compliance schedule for LANL is intended to achieve compliance as expeditiously as practicable, pursuant to Section 1-601 of Executive Order 12088. The schedule was determined after consultation among the EPA, DOE, and UC and the New Mexico Environment Department (NMED).

The schedule contains design and construction milestone dates and sets forth timetables to ensure that Respondent achieves full compliance with the permit no later than October 31, 1997. Whenever reasonably possible, LANL will expedite the performance of the compliance schedule.

All other parameters, effluent limits, terms, and conditions of the permit are effective as issued and require full compliance. This compliance schedule shall not be construed as a new permit under the CWA nor shall it relieve the Respondent of any other obligations under the permit or the CWA.

A. Compliance Schedule

Respondent shall perform the activities specified in this subsection by the last day of the month indicated:

Outfall 05A

Description of Work

Completion Date

Begin Line Item Project	Completed
Complete Title I Design	Completed
Complete Title II Design	July 1996
Advertisement of Construction	August 1996
Award of Construction	October 1996
Completion of Construction	September 1997
Achieve Compliance with final Permit Limitations	October 1997

SCHEDULE FOR WASTE STREAM

IDENTIFICATION AND CHARACTERIZATION

Waste Stream Characterization Project

Description of Work

Completion Date

Completion of Waste Stream Final Reports	Completed
Complete 25% Corrective Actions	Completed
Corrective Actions	Completed
Completion of 100% Corrective Actions	March 31, 1997
Achieve Compliance with Permit Limitations	May 30, 1997

B. If the permit is modified or a new permit is issued and the modified or new permit will affect any provision of this Agreement, EPA will advise LANL of the need to modify the Agreement and the Parties will modify the Agreement in accordance with the provisions of Section IX (Modification of the Agreement).

VIII. REPORTING

Commencing at the end of the first full quarter after the effective date of this Agreement, Respondent shall submit quarterly progress reports which shall be due on the fifth (5th)

day of the first (1st) month following the end of each quarter. Progress reports shall summarize the efforts taken by Respondent pursuant to this Agreement during the previous quarter.

Respondent shall notify Complainant whenever any delay in meeting any scheduled compliance date is anticipated. Whenever possible, such notification should be not less than twenty-one (21) days before the schedule compliance due date and such notification shall explicitly describe the anticipated length of the delay; the precise nature and cause(s) of the delay; when and how Respondent was first made aware of the delay; the measures taken or to be taken to eliminate or minimize the delay and any future delays of a similar nature and the alternative timetable(s) that Respondent is proposing to use. Within ten (10) days of receiving such notification, EPA will make a determination concerning the revision of the compliance schedule. If Respondent disagrees with EPA's determination and chooses to dispute the matter, the provision of Section X (Dispute Resolution) shall control.

IX. MODIFICATION OF THE AGREEMENT

In the event of an amendment to the CWA or an amendment of the existing regulations promulgated under the CWA, which affect any provision of this Agreement; or amendment of the existing permit

or the issuance of a new permit; or amendment of the Agreement as a result of the dispute resolution process; the affected provision(s) of this Agreement will be re-negotiated or revised accordingly, and the re-negotiating will be governed by Executive Order 12088. All re-negotiation conflicts shall be resolved pursuant to Section X (Dispute Resolution) of this Agreement. To the extent it is not specifically abrogated, this Agreement shall remain in effect until re-negotiated or revised.

All modifications shall be in writing and shall be effective when signed by both parties. EPA shall be the last signatory on any modification to this Agreement.

X. DISPUTE RESOLUTION

Except as specifically set forth elsewhere in this Agreement, if a dispute arises under this Agreement the procedures of this Section shall apply. In addition, during the pendency of any dispute, the DOE agrees that it shall continue to implement those portions of this Agreement which are not in dispute and which EPA determines can be reasonably implemented pending final resolution of the issue(s) in dispute. If EPA determines in writing that all or part of those portions of work which are affected by the dispute should stop during the pendency of the dispute, the DOE shall discontinue implementing those portions of the work.

All Parties to this Agreement shall make reasonable efforts to informally resolve disputes at the Project Manager or immediate supervisor level. If resolution cannot be achieved informally, the procedures of this Section shall be implemented to resolve a dispute.

A. Within thirty (30) days of the date of any action by EPA which leads to or generates a dispute, the DOE shall submit to the EPA a written statement of dispute setting forth the nature of the dispute, the DOE's position with respect to the dispute; and the information the DOE is relying upon to support its position; and any impact such dispute may have on specified schedules, elements of work, submittals, or actions required by the Agreement. If the DOE does not provide such written statement to the EPA within this thirty (30) day period, the DOE shall be deemed to have agreed with the action taken by EPA which led to or generated the dispute.

B. Where EPA issues a Written Notice of Position, any other Party which disagrees with the Written Notice of Position may provide the issuing Party with a written statement of dispute setting forth the nature of the dispute, its position with respect to the dispute; and the information it is relying upon to support its position. If no other Party provides such a written

statement of dispute within thirty (30) days of receipt of the Written Notice of Position, the Parties shall be deemed to have agreed with the Written Notice of Position.

C. Upon receipt of the written statement of dispute, the Parties shall engage in dispute resolution among the Project Managers and/or their immediate supervisors. The Parties shall have fourteen (14) days from the receipt of the EPA written statement of dispute to resolve the dispute. During this period the Project Managers shall meet as many times as are necessary to discuss and attempt resolution of the dispute. If agreement cannot be reached on any issue within this fourteen (14) day period, any Party may, within ten (10) days of the conclusion of the fourteen (14) day dispute resolution period, submit a written notice to the Parties escalating the dispute to the Dispute Resolution Committee (DRC) for resolution. If no Party escalates the dispute to the DRC within this ten (10) day escalation period, the Parties shall be deemed to have agreed with the EPA position with respect to the dispute.

D. The DRC will serve as a forum for resolution of disputes for which agreement has not been reached pursuant to Subsection A, B, or C of this Section. The Parties shall each designate one individual and one alternate to serve on the DRC. The individuals designated to serve on the DRC shall be employed at

the policy level (SES or equivalent) or be delegated authority to participate on the DRC for purposes of dispute resolution under this Agreement. The EPA representative on the DRC is the Enforcement and Compliance Assurance Division Director of EPA Region 6 (Division Director). The DOE designated member is the Area Manager, Los Alamos Area Office, Department of Energy. Notice of any delegation of authority from a Party's designated representative on the DRC shall be in writing and be immediately provided to all other Parties.

E. Following escalation of a dispute to the DRC, the DRC shall have twenty-one (21) days to unanimously resolve the dispute and issue a written decision. If the DRC is unable to unanimously resolve the dispute within this twenty-one (21) day period, any Party may, within seven (7) days of the conclusion of the twenty-one (21) day dispute resolution period, forward a written notice of dispute to the Senior Executive Committee (SEC) for resolution. In the event the dispute is not escalated to the SEC within the designated seven (7) day period, the Parties shall be deemed to have agreed with the EPA DRC representative's position with respect to the dispute.

F. The SEC will serve as the forum for resolution of the disputes for which agreement has not been reached by the DRC. The EPA representative on the SEC is the Regional Administrator

of EPA Region 6. The DOE's designated member is the Manager of the DOE Albuquerque Field Office. The SEC members shall, as appropriate, confer, meet and exert their best efforts to resolve the dispute and issue a written decision. If unanimous resolution of the dispute is not reached within twenty-one (21) days, the EPA Regional Administrator, Region 6 shall issue a written position on the dispute. The DOE may, within fourteen (14) days of the Regional Administrator's issuance of EPA's position, issue a written notice escalating the dispute to the Administrator of the EPA for resolution in accordance with all applicable laws, directives and procedures. In the event the dispute is not escalated to the Administrator within the designated seven (7) day period, the Parties shall be deemed to have agreed with the EPA DRC representative's position with respect to the dispute. In the event the DOE elects not to elevate the dispute to the Administrator within the designated fourteen (14) day escalation period, the DOE shall be deemed to have agreed with the Regional Administrator's written position with respect to the dispute.

G. Upon escalation of the dispute to the Administrator of EPA pursuant to Subsection F, the Administrator will review and resolve the dispute within twenty-one (21) days. Upon request and prior to resolving the dispute, the EPA Administrator shall meet and confer with the Secretary of Energy to discuss the

issue(s) under dispute. Upon resolution, the Administrator shall provide the DOE with a written final decision setting forth resolution of the dispute.

H. The pendency of any dispute under this Section shall not affect the DOE's responsibility for timely performance of the work required by this Agreement, except that the time period for completion of work affected by such dispute shall be extended for a period of time usually not to exceed the actual time taken to resolve any good faith dispute in accordance with the procedures specified herein. All elements of the work required by this Agreement which are not affected by the dispute shall continue and be completed in accordance with the applicable schedule.

I. Within fourteen (14) days of resolution of a dispute pursuant to the procedures specified in this Section, the DOE shall incorporate the resolution and final determination into the appropriate plan, schedule or procedures and proceed to implement this Agreement according to the amended plan, schedule or procedures.

J. When dispute resolution is in progress, work affected by the dispute will immediately be discontinued if the Division Director requests in writing, that work related to the dispute be stopped, because, in EPA's opinion, such work is inadequate or defective, and such inadequacy or defect is likely to yield an

adverse effect on human health or the environment, or is likely to have a substantial adverse effect on the implementation process. To the extent possible, EPA shall consult with the DOE prior to initiating a work stoppage request. After stoppage of work, if the DOE believes that the work stoppage is inappropriate or may have potential significant adverse impacts, the DOE may meet with the Division Director to discuss the work stoppage. Following this meeting, and further consideration of the issues, the Division Director will issue, in writing a final decision with respect to the work stoppage. The final written decision of the Division Director may immediately be subjected to formal dispute resolution or such dispute may be brought to either the DRC or the SEC, at the discretion of the DOE.

K. Resolution of a dispute pursuant to this Section constitutes a final resolution of any dispute arising under this Agreement. All applicable laws, directives, and procedures apply to resolution of the disputes under this Section. All Parties shall abide by all terms and conditions of any final resolution of dispute obtained pursuant to this Section.

XI. FORCE MAJEURE

A Force Majeure shall mean any event arising from causes beyond the control of Respondent which cause a delay in or prevents the performance of any obligation under this Agreement. Force

Majeure includes but is not limited to, Acts of God; fire; war; insurrection; civil disturbance; explosion; adverse weather conditions that could not be reasonably anticipated; unusual delays in transportation, beyond the control of Respondent; restraint by court order or order of public authority; inability to obtain, at reasonable cost and after exercise of reasonable diligence, any necessary authorizations, approvals, permits, or licenses due to action or inaction of any governmental agency or authority other than the DOE; delays caused by compliance with applicable statutes or regulations governing contracting, procurement or acquisition procedures, despite the exercise of reasonable diligence; and failure to obtain approval of adequate authorizations and/or appropriations from Congress, if Respondent shall have made timely request for such funds as part of the budgetary process as set forth in Section XIII (Funding) of this Agreement. A Force Majeure shall also include any strike or other labor dispute, whether or not within the control of the Parties affected hereby. A Force Majeure shall not include increased costs of activities covered by this Agreement, whether or not anticipated at the time such activities were initiated.

XII. NOTICES

Documents, including reports, approvals, disapprovals, and other correspondence, which must be submitted under this Agreement, may be submitted by express mail, overnight mail, hand

delivery, certified mail, return receipt requested, facsimile copies (with the original sent within twenty-four (24) hours by another of these methods) or any other method that includes proof of delivery, to the following addressees or any other addressee which EPA or Respondent so designated in writing:

EPA:

U.S. Environmental Protection Agency
Mr. James L. Graham, P.E., Section Chief
Water Enforcement Branch, Texas/New Mexico Section
(6EN-WT)
1445 Ross Avenue
Dallas, TX 75202-2733

Send copies to:

NMED:

Mr. Glenn Saums
Water Surface Bureau
New Mexico Environment Department
P.O. Box 968
Santa Fe, New Mexico 87504-0968

XIII. FUNDING

Respondent shall request, through the DOE and the Department of Energy, all funds and/or authorizations from Congress necessary to meet the conditions of this Agreement and it shall be sought in accordance with Sections 1-4 and 1-5 of Executive Order 12088 as implemented by the Office of Management and Budget Circular A-106 (as amended).

With regard to finding, the timetables and schedules are fixed and definite except to the extent that the Congress of the United States may fail to approve authorizations and/or appropriations requests necessary to exercise the timetables and schedules.

Although failure to obtain approval of adequate authorization and/or appropriations from Congress may alter the established timetable and schedules in accordance with Section XI, (Force Majeure), it does not release Respondent from its obligations of compliance with the CWA and the terms and conditions of this Agreement. If sufficient funds are not appropriated by the Congress as requested and existing funds are not available to achieve compliance with the schedules provided in this Agreement, and the Respondent reports the lack of funds in accordance with Section XII (Notices), then pursuant to Section XI (Force Majeure), the Parties will revise the compliance schedule as necessary. No provision of this Agreement shall be interpreted to require obligation of funds in violation of the Anti-Deficiency Act, 31 U.S. C. §1341.

XIV. COMPLIANCE WITH THIS AGREEMENT

In the event of violations of this Agreement by Respondent, the compliance provisions of Section 1-604 of Executive Order 12088 and Section 1-604 of Executive Order 12146 are available as enforcement mechanisms.

XVI. TERMINATION DATES

This Agreement will terminate after Respondent has complied with all of the terms and conditions specified in Section VII (Interim Limits and Compliance Schedule) of this Agreement, notified EPA, in accordance with Section XII (Notices) in writing of its compliance and request for termination, and received written notice from EPA that the terms and conditions of this Agreement have been satisfied. EPA will file a termination notice with the Regional Hearing Clerk, EPA Region 6, and provide Respondent with a copy of the notice.

XV. EFFECTIVE DATE

This Agreement is effective on the date that it is filed with the Regional Hearing Clerk, EPA Region 6.

THIS AGREEMENT CAN BE AND IS HEREBY EXECUTED IN COUNTERPART.

Samuel Coleman, P.E.
Director
Compliance Assurance and
Enforcement Division

Dated this _____ day of _____ 1996,
at Dallas, Texas.

AGREED:

LOS ALAMOS NATIONAL LABORATORY

Dated: _____

Earl W. Bean
Area Manager
Los Alamos Area Office
Department of Energy

4. Neither assessment nor payment of the administrative civil penalty pursuant to this section of the Act shall affect your continuing obligation to comply with the Act, with every term and condition of your NPDES permit, and with any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), ordering cessation of the violations alleged herein.

OCT 11 1990

/s/ Myron O. Knudson

Date: _____

Myron O. Knudson, P.E.
Director
Water Management Division (6W)
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by certified mail, return receipt requested, a copy of this "Administrative Complaint, Findings of Violation, Notice of Proposed Order Assessing a Civil Penalty and Notice of Opportunity to Request a Hearing Thereon", and a copy of the attached Class I Guidance to the following person at the address below:

Mr. Allen J. Tiedman
Associate Director for Operation
University of California/Los Alamos
National Laboratory
Los Alamos, New Mexico 87545

I further certify that on the same date below I sent by regular mail a copy of this document to the following person(s) at the address listed below:

Mr. Jim Piatt
Acting Chief, Surface Water Bureau
New Mexico Environmental Improvement
P.O. Box 968
Santa Fe, New Mexico 87504-0968

Date: _____

Ms. Ruth Gibson, Chief
Administrative Section (6W-EA)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

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Mr. Allen J. Tiedman
Associate Director for Operation
University of California/Los Alamos
National Laboratory
Los Alamos, New Mexico 87545

I further certify that on the same date below I sent by regular mail a copy of this document to the following person(s) at the address listed below:

Mr. Jim Platt
Acting Chief, Surface Water Bureau
New Mexico Environmental Improvement
P.O. Box 968
Santa Fe, New Mexico 87504-0968

Date: _____

Ms. Ruth Gibson, Chief
Administrative Section (6W-EA)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

OCT 10 1990

REPLY TO: 6W-ET

MEMORANDUM

SUBJECT: Proposed Class I Administrative Penalty Order for Violations
of the Clean Water Act

FROM: Myron O. Knudson, P.E.
Director
Water Management Division (6W)

TO: Robert E. Layton Jr., P.E.
Regional Administrator (6A)

For your information, a proposed Class I Administrative Penalty Order is
being issued to the University of California operator of Los Alamos National
Laboratory for the Department of Energy for violations of the Clean Water Act.

bcc: R. File (6W-E)

6W-ET:ESPENCER:ce:WE35:x6475:7/26/90:C15:(03220)

		CONCURRENCES					
SYMBOL	6W-ET	6W-E					
SURNAME	Graham	Hartung					
DATE	8/9	8/9	8/20				

FEB 13 1991

REPLY TO: 6W-ET

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 106 971 913)

Mr. Allen J. Tiedman
Associate Director for Operations
University of California/Los Alamos
National Laboratory
Los Alamos, New Mexico 87545

Re: Consent Agreement and Order
Assessing Administrative Penalties
Docket No. VI-90-1642
NPDES Permit No. NM0028355

1 - Permit/CD
2 - AO & AO matl
3 - BMR's
4 - Vio. Sum. Log
5 - NCR
6 - Correspondence
7 - CRAS
Date Filed
Clerk's Inits.

Dear Mr. Tiedman:

Enclosed are two copies of the "Consent Agreement and Order Assessing Administrative Penalties" as agreed upon by Ms. Sheila Brown, of your Staff Counsel, and Mr. Everett Spencer, of my staff. You should mail the two (2) copies of the Consent Agreement, each with original signatures, to the attention of Ms. Carlene Ellison (6W-EA) within ten (10) days of receipt of this Agreement. This Consent Agreement shall become effective thirty (30) days after the date it is signed by the Regional Administrator and issued.

Failure by Respondent to pay in full the penalty assessed by this Consent Agreement by its due date may subject Respondent to a civil action to collect the assessed penalty plus interest, attorney's fees, costs, and an additional quarterly nonpayment penalty pursuant to Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9).

Payment of the penalty is to be made to the designated lockbox for this Region listed in III.3 of the attached Order with copies to the appropriate persons listed in III.3. The check must include the docket number referenced above.

6W-ET:ESPENCER:x6475:AE06:mmc1:12/5/90:00753

6W-ET

6W-E

CONCURRENCES

SYMBOL	Graham	Hartung						
SURNAME	<i>[Signature]</i>	<i>[Signature]</i>	<i>COLLINS</i>					
DATE	<i>12/11</i>	<i>1/2/91</i>	<i>[Signature]</i>					

If you have any questions regarding this matter, please contact
Mr. Everett Spencer at telephone (214) 655-6475.

Sincerely yours,

/s/ Kenton Kirkpatrick

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosure

cc: Mr. James Piatt, Chief
Surface Water Quality Bureau
New Mexico Environmental
Improvement Division

bcc: R. File (6W-E)
Gair (EN-338)
Lassister (EN-338)
Ellison (6W-EA)
Meacham (6X)
Goetz (6X)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF	§	DOCKET NO. VI-90-1642
	§	
UNIVERSITY OF CALIFORNIA	§	
LOS ALAMOS NATIONAL LABORATORY	§	
LOS ALAMOS, NEW MEXICO 87545	§	ASSESSMENT OF CLASS I
	§	ADMINISTRATIVE PENALTY
NPDES PERMIT NO. NM002835	§	ON CONSENT UNDER CWA § 309(g)

CONSENT AGREEMENT AND ORDER
ASSESSING ADMINISTRATIVE PENALTIES

I. Statutory Authority

The following Findings are made and Consent Agreement issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 309(g) of the Clean Water Act (hereinafter the "Act"), 33 U.S.C. § 1319(g). The Administrator has delegated these authorities to the Regional Administrator of EPA Region 6, who hereby issues this Final Order.

II. Findings of Violation

Upon consent of the parties by their attorneys and authorized officials, the parties stipulate and the Administrator finds:

1. The University of California as operator of the Department of Energy owned Los Alamos National Scientific Laboratory, (hereinafter the "Respondent"), within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5), owns or operates a facility located at the Los Alamos National Laboratory, Los Alamos, New Mexico 87547, which discharge pollutants to the water course in Sandia Canyon from the TA 3 Power Plant, (Bldg. 2), navigable water of the United States within the meaning of Section 502 of the Act, 33 U.S.C. § 1362. Respondent is, therefore, subject to the provisions of the Act, 33 U.S.C. § 1251 et seq.

2. On October 11, 1990, EPA Region 6 issued to Respondent, and on or about October 15, 1990, notified the public of an administrative Complaint, Docket No. Vi-91-1642, which included formal findings of violation, notice of a proposed assessment of a civil penalty against Respondent, and notice of Respondent's opportunity to request a hearing on the proposed administrative penalty assessment.

3. On October 11, 1990, the State of New Mexico was given an opportunity to consult with EPA regarding the assessment of an administrative penalty against the Respondent.

4. The Respondent has violated Section 301, of the Act, 33 U.S.C. § 1311(a), by violating condition Part I.A. of NPDES Permit No. NM0028355, which condition implements Section 402 of the Act, 33 U.S.C. § 1342 and which permit has been issued to the Respondent pursuant to Section 402 of the Act, 33 U.S.C. § 1342. by discharging low pH water from Outfall 01A in violations of the permit as follows:

<u>Date</u>	<u>Parameters</u>	<u>Violation</u>	<u>Permit Limit</u>	<u>Quality</u>
5/20/90	pH, min.	1.4 s.u.	6.0 s.u.	18,000 gal.
	pH, min.	3.9 s.u.	6.0 s.u.	2,000 gal.
5/21/90	pH, min.	2.2 s.u.	6.0 s.u.	15,000 gal.

III. Penalty Order and Consent

Based on the foregoing stipulations and findings, and having taken into account the nature, circumstances, extent, and gravity of the violation(s), Respondent's prior history of compliance, degree of culpability, economic benefit or savings resulting from the violation(s), and ability to pay, and under the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), EPA Region 6 hereby ORDERS, AND RESPONDENT HEREBY CONSENTS, that:

1. The provisions of this Consent Agreement shall be binding upon the Respondent, its officers, directors, agents, servants, authorized representatives, employees, and successors or assigns.
2. The Respondent shall mail two (2) copies of the Consent Agreement, each with original signatures, to the attention of Ms. Carlene Ellison (6W-EA) at the following address:

U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
3. The Respondent shall pay \$12,500 for its past violations of the Act cited above by mailing a money order or certified check payable to Treasurer, United States of America, within thirty (30) days of the effective date of Agreement to the following address:

Regional Hearing Clerk (6C-G)
U.S. EPA Region 6
P.O. Box 360582M
Pittsburgh, PA 15251

The money order or check must list the docket number referenced on page 1 of this Order.

Respondent shall send notice of such payment, including a copy of the money order or check, to the Hearing Clerk at the following address:

Regional Hearing Clerk (6C-G)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

and a copy to the Enforcement Branch at the following address:

Ms. Carlene Ellison (6W-EA)
U.S. EPA Region 6
Water Management Division
1445 Ross Avenue
Dallas, Texas 75202-2733

IV. General Provisions

1. Issuance of this Order does not constitute a waiver by EPA of its right to enforce the substantive legal requirements underlying this administrative penalty assessment, either administratively or judicially pursuant to Sections 309(a), (b), and (c) of the Act, 33 U.S.C. § 1319(a), (b), and (c). Nor pursuant to Section 309(g)(7) of the Act, does issuance or compliance with this Order exempt Respondent from responsibility to comply with all requirements of the Act and of any legal order or permit issued pursuant thereto.

2. Failure by Respondent to pay in full the penalty assessed by this Consent Agreement by its due date may subject Respondent to a civil action to collect the assessed penalty plus interest, attorneys' fees, costs, and an additional quarterly nonpayment penalty pursuant to Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9). In any such collection action, the validity, amount, and appropriateness of the penalty and of this Consent Agreement shall not be subject to review.

3. Respondent knowingly and explicitly waives its rights pursuant to Sections 309(g)(2) and (8), 33 U.S.C. § 1319(g)(2) and (8), to a hearing on this penalty assessment and to judicial review of this administrative penalty assessment.

V. Effective Date

This Consent Agreement and Order shall become effective thirty (30) days after the date of issuance noted below unless a petition for a hearing is filed pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), by a person who commented on the proposed penalty assessment. If such a petition is filed, EPA Region 6 will so notify Respondent and will inform Respondent of the effect of the petition on the effective date of this Consent Agreement and Order.

Mr. Allen J. Tiedman
Associate Director for Operations
University of California/Los Alamos National Laboratory
Los Alamos, New Mexico 87545

Myron O. Knudson, P.E.
Director
Water Management Division (6W)
EPA Region 6

Issued this _____ day of _____, 1991.

Robert E. Layton Jr., P. E.
Regional Administrator
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by certified mail, return receipt requested, a copy of this "CONSENT AGREEMENT AND ORDER ASSESSING ADMINISTRATIVE PENALTIES" to the following persons at the addresses listed below:

Mr. Allen J. Tiedman
Associate Director for Operations
University of California/Los Alamos National Laboratory
Los Alamos, New Mexico 87545

Date: _____

Ms. Ruth Gibson, Chief
Administrative Section (6W-EA)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

MAY 31 1991

REPLY TO: 6W-ET

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 341 530 926)

Mr. Allen J. Tiedman
Associate Director for Operations
University of California
Los Alamos National Laboratory
Los Alamos, New Mexico 87545

Re: Administrative Order Docket No. VI-91-273
NPDES Permit No. NM0028355

Dear Mr. Tiedman:

Violation of an NPDES permit requires the Environmental Protection Agency (EPA) to take appropriate enforcement action to assure compliance. Pursuant to the Clean Water Act (33 U.S.C. § 1251 et seq.), the enclosed Administrative Order is hereby served on you and the Los Alamos National Laboratory for the violations described therein. This Order replaces Administrative Order Docket No. VI-91-067, which is hereby closed.

Compliance with the provisions of this Order is expected within the maximum time periods established by each part of the Order. Your cooperation and prompt attention will be appreciated. In response hereto, please reference Docket No. VI-91-273 and your NPDES permit number, and send correspondence to the attention of Ms. Gladys Gooden-Jackson (6W-EAT). The violations cited in the referenced Order could result in the issuance of an EPA administrative penalty order or referral to the United States Department of Justice for judicial action with monetary fines.

It is the policy of EPA to achieve full compliance with the NPDES permit program as rapidly as possible. This office is prepared to help you in any way it can. If you have any questions, please contact Ms. Dianne Ratkey, EPA, Dallas, Texas at (214) 655-6470.

Sincerely yours,


Myron O. Knudson, P.E.

for Director

Water Management Division (6W)

- ☒ 1 - Permit/CB
- ☒ 2 - AO & AO matl
- ☒ 3 - DM's
- ☒ 4 - Vio. Sum. Log
- ☒ 5 - NCR
- ☒ 6 - Correspondence
- ☒ 7 - CRAS
- ☒ Date Filed
- ☒ Clerk's Inits

Enclosure

CONCURRENCES

SYMBOL	CC: SEE NEXT PAGE	6W-ET-DRATKEY:db:AE00-AE1A:x6470:05/30/91:DM4:(03230)			
SURNAME					
DATE	6W-ET 5/30	6W-E 5/31/91	6C-A/W 5/31/91		

cc: Mr. Jim Piatt, Acting Chief
Surface Water Quality Bureau
New Mexico Environmental Improvement
Division
P.O. Box 968
Santa Fe, New Mexico 87504-0968

Mr. Jerry L. Bellows
Acting Area Manager
U.S. Department of Energy
Los Alamos Area Office
Los Alamos, New Mexico 87544

bcc: Ellison (6W-EA)x2
Meacham (6X)
Goetz (6X)
Read File (6W-EA)
Gair (EN-338)
Ratkey (6W-ET)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF

LOS ALAMOS NATIONAL LABORATORY

PROCEEDINGS UNDER SECTION 309(a)(5),
CLEAN WATER ACT,
[33 U.S.C. § 1319(a)(3)],
In RE: NPDES PERMIT NO. NM0028355

DOCKET NO. VI-91-273

ADMINISTRATIVE ORDER

The following FINDINGS are made and Order issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (EPA) by the above referenced statute (hereinafter the Act) and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6.

I.

The University of California, management contractor for operation of the Los Alamos National Laboratory (hereinafter the co-Permittee) is a duly authorized discharger at the Department of Energy owned facility, the mailing address for which is Los Alamos National Laboratory, Los Alamos, New Mexico 87545.

II.

Pursuant to the authority of Section 402(a)(1) of the Act, 33 U.S.C. § 1342, Region 6 issued National Pollutant Discharge Elimination System (NPDES) Permit No. NM0028355 to the Permittee on January 30, 1990, with an effective date of February 28, 1990. The permit authorizes the discharge of specified qualities and quantities of effluent to various tributaries of the Rio Grande. The permit also requires the submission of Discharge Monitoring Reports (DMRs) and Noncompliance Reports.

III.

Part I.A. of the permit places certain limitations on the quantity and quality of effluent discharged by the Permittee. The relevant limitations follow:

Outfall 01A

Effluent Characteristics

	<u>Discharge Limitations</u>			
	<u>kg/day(lbs/day)</u>		<u>Other units(specify)</u>	
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.
Total Suspended Solids (TSS)	N/A	N/A	30 mg/l	100 mg/l
Free Available Chlorine	N/A	N/A	0.2 mg/l	0.5 mg/l

The pH shall not be less than 6.0 standard units (s.u.) nor greater than 9.0 s.u. and shall be monitored once per month by grab sample.

Outfall 03A

Effluent Characteristics

	<u>Discharge Limitations</u>			
	<u>kg/day(lbs/day)</u>		<u>Other units(specify)</u>	
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.
Total Suspended Solids (TSS)	N/A	N/A	30 mg/l	100 mg/l
Free Available Chlorine	N/A	N/A	0.2 mg/l	0.5 mg/l
Total Phosphorus	N/A	N/A	5 mg/l	5 mg/l

Outfall 128

Effluent Characteristics

	<u>Discharge Limitations</u>			
	<u>kg/day(lbs/day)</u>		<u>Other units(specify)</u>	
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.
Chemical Oxygen Demand (COD)	1.9	3.8	N/A	N/A
Total Suspended Solids (TSS)	1.25	2.5	N/A	N/A
Total Iron	0.05	0.10	N/A	N/A
Total Copper	0.05	0.10	N/A	N/A

IV.

FINDINGS OF FACT

On July 19, 1990, Administrative Order Docket No. VI-90-1263 was issued to the co-Permittee containing interim limits and schedules for compliance with the permit effluent limitations. The schedule for Outfall 09S has been violated.

V.

FINDINGS OF VIOLATION

Based on information provided by EPA and the co-Permittee, the Regional Administrator, through the Director of the Water Management Division, finds that the Permittee has violated Part I.A. of the permit.

Violation of Part I.A. of the permit - Recent effluent violations follow:

<u>Date</u>	<u>Outfall</u>	<u>Parameter</u>	<u>Violation</u>
3/91	01A	pH, max.	10.9 s.u.
	03A	TSS, daily avg.	145.7 mg/l
		TSS, daily max.	2072.0 mg/l
	128	COD, daily max.	3.9 lbs/day
2/91	03A	Phosphorus, max.	7.26 mg/l
12/90	03A	Phosphorus, max.	5.92 mg/l
11/90	03A	TSS, daily avg.	83.6 mg/l
		TSS, daily max.	300.0 mg/l
		Phosphorus, avg.	5.87 mg/l
		Phosphorus, max.	24.20 mg/l

Administrative Order Docket No. VI-90-1263 has been violated in that the co-Permittee has failed to comply with the following construction schedule:

Outfall 09S

Final design complete	August 1990
Advertisement of construction contract.....	September 1990
Award of construction contract	December 1990

VI.

Issuance of this Order does not preclude the pursuit of additional enforcement action including additional administrative penalty orders, and/or civil or criminal judicial actions for the violations cited herein. If an EPA administrative penalty order is issued or a judicial action is initiated by the U.S. Department of Justice, you will be subject to a monetary fine.

ORDER

Based on the foregoing FINDINGS OF VIOLATION and pursuant to the authority vested in the Administrator under Section 309(a)(5) of the Act, 33 U.S.C. § 1319(a)(3), and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6, it is ordered:

A. That the co-Permittee, within thirty (30) days of the effective date of this Order, shall take whatever corrective action is necessary to eliminate and prevent recurrence of the noncompliant discharges cited in the FINDINGS OF VIOLATION. In addition, the co-Permittee shall, within thirty (30) days of the effective date of this Order, submit a report detailing the specific actions taken and why such actions are sufficient to prevent recurrence of the noncompliant discharges.

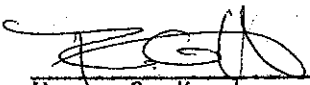
B. In the event the co-Permittee believes that complete correction of the previously cited noncomplying discharges is not physically possible within thirty (30) days of the effective date of this Order, the co-Permittee shall submit, within thirty (30) days of the effective date of this Order, a comprehensive plan for the expeditious elimination and prevention of such

noncomplying discharges. Such plan shall provide for specific corrective actions to be taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible.

C. That the co-Permittee shall, within thirty (30) days of the effective date of this Order, submit a report describing the cause(s) of the schedule violations cited in the FINDINGS OF VIOLATION. This report shall also include a description of all steps the co-Permittee proposes to take in order to return to compliance with the construction schedule.

The effective date of this Order shall be the date it is received by the Permittee.

DATED: This MAY 31 1991 day of _____, 1991.



Myron O. Knudson, P.E.
Director
Water Management Division (6W)

AUG 29 1991

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 773 287 531)

Mr. Allen J. Tiedman
Associate Director of Operations
Los Alamos National Laboratory
P.O. Box 1663, Mailstop A-120
Los Alamos, New Mexico 87545

Re: NPDES Permit No. NM0028355
Administrative Order Docket No. VI-91-1329

1 - Permit/CD
2 - AO & AO matl
3 - DMP's
4 - Via. Sum. Log
5 - NCR
6 - Correspondence
7 - CPAS
Date Filed
Clerk's Inits.

Dear Mr. Tiedman:

Violation of an NPDES permit requires the Environmental Protection Agency (EPA) to take appropriate enforcement action to assure compliance. Pursuant to the Clean Water Act (33 U.S.C. § 1251 et seq.), the enclosed Administrative Order is hereby served on you and the University of California for the violations described therein. This Order replaces Administrative Order Docket No. VI-90-1263, which is hereby closed.

Compliance with the provisions of this Order is expected within the maximum time periods established by each part of the Order. Your cooperation and prompt attention will be appreciated. In response hereto, please reference Docket No. VI-91-1329 and your NPDES permit number, and send correspondence to the attention of Ms. Gladys Gooden-Jackson (6W-EAT). Failure to reach a satisfactory solution to this matter will result in a referral to the United States Department of Justice for judicial action with monetary fines or an EPA administrative penalty.

This Administrative Order contains the same interim limits and schedules for compliance as the Federal Facilities Compliance Agreement Docket No. VI-91-1328, with the Department of Energy, copy enclosed.

It is the policy of EPA to achieve full compliance with the NPDES permit program as rapidly as possible. This office is prepared to help you in any way it can. If you have any questions, please contact Ms. Dianne Ratkey, EPA, Dallas, Texas at (214) 655-6470.

Sincerely yours,

/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

Enclosures

cc: SEE NEXT PAGE

6W-ET:DRATKEY:4b:AEU AEIA:X64/U:08/12/91:DM9:(04307)

CONCURRENCES

SYMBOL	6W-ET	6W-E	6C-A/W				
SURNAME	Graham	Hartling	Hughes				
DATE	8/4	8/21	8/28/91				

cc: Mr. Jim Piatt, Acting Chief
Surface Water Quality Bureau
New Mexico Environmental Improvement
Division

Mr. Jack B. Tillman
Area Manager
Department of Energy
Los Alamos Area Office
Los Alamos, New Mexico 87544

bcc: R. File (6W-E)
Hiller (6W-ET)
Highland (6E-FF)
Gair (EN-338)
Gibson (6W-EA)
Meacham (6X)
Goetz (6X)
Read File (6W-EA)
Ayers (6E-H)
Ratkey (6W-ET)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF

LOS ALAMOS NATIONAL LABORATORY

PROCEEDINGS UNDER SECTION 309(a)(3),
CLEAN WATER ACT,

[33 U.S.C. § 1319(a)(3)]

In RE: NPDES PERMIT NO. NM0028355

§
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DOCKET NO. VI-91-1329

ADMINISTRATIVE ORDER

The following FINDINGS are made and Order issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (EPA) by the above referenced statute (hereinafter the Act) and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6.

I.

The University of California, management contractor for operation of the Los Alamos National Laboratory (hereinafter the co-permittee) is a duly authorized discharger at the Department of Energy owned facility, the mailing address for which is the Los Alamos National Laboratory, Los Alamos, New Mexico 87545.

II.

Pursuant to the authority of Section 402(a)(1) of the Act 33 U.S.C. § 1342, Region 6 issued National Pollutant Discharge Elimination System (NPDES) Permit No. NM0028355 to the Co-permittee on January 30, 1990, with an effective date of February 28, 1990. The permit authorizes the discharge of specified qualities and quantities of effluent to various tributaries of the Rio Grande. The permit also requires the submission of Discharge Monitoring Reports (DMRs) and Noncompliance Reports.

III.

PERMIT FINDINGS

Part I.A. of the permit places certain limitations on the quantity and the quality of the effluent discharged by the Co-permittee. The relevant limitations follow:

Effluent CharacteristicsDischarge Limitations

		Daily Avg. (lbs/day)	Daily Avg. (mg/l)	Daily Max. (mg/l)
<u>Outfall 02A (Industrial Discharge)</u>				
Flow (MGD)	N/A	Report	Report	
TSS	N/A	30	100	
Total Copper	N/A	1.00	1.00	
Total Iron	N/A	10	40	
Total Phosphorus	N/A	20	40	
Sulfite (as SO ₃)	N/A	35	70	
Total Chromium	N/A	Report	Report	
pH	N/A	6.0 min.	9.0 max.	

Outfall 05A (Industrial Discharge)

Flow (MGD)	N/A	Report	Report
Chemical Oxygen Demand (COD)	N/A	150	250
Total Suspended Solids (TSS)	N/A	30	45
pH	N/A	6.0 min.	9.0 max.

Outfall 04S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
Biochemical Oxygen Demand (BOD ₅)	0.5	30	45, 7-day avg.
TSS	0.5	30	90, 7-day avg.
pH	N/A	6.0 min.	9.0 max.

Outfall 05S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD ₅	1.9	30	45, 7-day avg.
TSS	1.9	30	45, 7-day avg.

Outfall 03A

Oil	Not Permitted		
Total Phosphorus	N/A	5.0	5.0

Outfall 09S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD ₅	2.3	30	45, 7-day avg.
TSS	2.3	30	45, 7-day avg.
pH	N/A	6.0 min.	9.0 max.

Outfall 10S (Sanitary Discharge)

Flow (MGD)	N/A	Report	Report
BOD	1.4	30	45, 7-day avg.
TSS	1.4	30	90, 7-day avg.
pH	N/A	6.0, min.	9.0, max.

Outfall 12S

BOD ₅	1.3	30	45
TSS	1.3	30	45
pH		6.0 s.u., min.	9.0 s.u., max.

IV.

FINDINGS OF FACT

Sanitary and industrial wastewater treatment plants, NPDES Permit No. NM0028355 cannot continually comply with the effluent limits in the permit. This Order establishes interim limits and schedules for compliance with the permit effluent limits. The co-permittee has requested interim limits while upgrading the existing treatment facilities.

V.

Issuance of this Order does not preclude the pursuit of additional enforcement action including additional administrative penalty orders, and/or civil or criminal judicial actions for the violations cited herein. If an EPA administrative penalty order is issued or a judicial action is initiated by the U.S. Department of Justice, you will be subject to a monetary fine.

ORDER

Based on the foregoing FINDINGS OF VIOLATION and pursuant to the authority vested in the Administrator under Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), and duly delegated to the Regional Administrator, Region 6, and duly redelegated to the undersigned Director, Water Management Division, Region 6, it is ordered:

A. That the co-permittee efficiently operate and maintain the existing treatment works, so as to discharge effluent which does not exceed the following INTERIM LIMITATIONS:

From: The effective date of this Order To: The final compliance date in the compliance schedule:

Effluent Characteristics

Discharge Limitation

	Daily Avg. (lbs/day)	Daily Avg. (mg/l)	Daily Max. (mg/l)
<u>Outfall 02A</u>			
Flow (MGD)	N/A	Report	Report
TSS	N/A	180	250
Total Iron	N/A	20	60
Total Copper	N/A	2	2
Total Phosphorus	N/A	30	60
Sulfite (As SO ₃)	N/A	45	80
Total Chromium	N/A	Report	Report
pH		6.0 min.	9.0 max.
pH/Outfall 02A-007		6.0 min.	11.5 max.
<u>Outfall 05A</u>			
Flow (MGD)	N/A	Report	Report
COD	N/A	650	1000
TSS	N/A	60	90
pH	N/A	6.0 min.	9.0 max.

Outfall 03A

Total Phosphorus	N/A	20	40
Oil (Outfall 03A-023, Storm drain)		Trace Allowable	

Outfall 04S

Flow (MGD)	N/A	Report	Report
BOD ₅	2.5	100	175, 7-day avg.
TSS	2.5	100	200, 7-day avg.
pH	N/A	5.5 min.	11.5 max.

Outfall 05S

Flow (MGD)	N/A	Report	Report
BOD	12.5	100	175, 7-day avg.
TSS	12.5	150	200, 7-day avg.
pH	N/A	5.5 min.	11.5 max.

Outfall 09S

Flow (MGD)	N/A	Report	Report
BOD ₅	94	100	175, 7-day avg.
TSS	94	150	200, 7-day avg.
pH		5.5 min.	11.5 max.

Outfall 10S

Flow (MGD)	N/A	Report	Report
BOD	94	100	175, 7-day avg.
TSS	94	150	200, 7-day avg.
pH	N/A	5.5 min.	11.5 max.

Outfall 12S

BOD ₅	2.5	100	175, 7-day avg.
TSS	2.5	100	200, 7-day avg.
pH	N/A	5.5 min.	11.5 max.

B. The following milestone dates (the last date of the months identified) are the dates by which the specified activities will be completed:

Outfall 02A

Final design complete	December 1988
Advertisement of construction contract	February 1989
Award of construction contract	April 1989
Construction completion	September 1989
In compliance with final limits	October 1989
	(Completed)

Outfall 05A

Final design complete	December 1988
Advertisement of construction contract	February 1989
Award of construction contract	April 1989
Construction completion	August 1989
In compliance with final Limits	October 1989 (Completed)

Outfall 02A - 007

Final design complete	April 1991 (Completed)
Construction complete	September 1991
In compliance with final Limits	October 1991

Outfall 03A

Study Complete	September 1991
Corrective Actions Complete	March 1992
In Compliance with final Limits	July 1992

Outfall 03A - 023

Complete Waste Stream Characterization	
Storm Drainage System	October 1991
Complete Other Corrective Actions	October 1991
In Compliance with Final Limits	January 1992

Outfall 04S

Final design complete	June 1990 (Completed)
Advertisement of construction contract	September 1990 (Completed)
Award of construction contract	December 1990 (Completed)
Construction completion	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits	July 1992

Outfall 05S

Final design complete	August 1990 (Completed)
Advertisement of construction contract	September 1990 (Completed)
Award of construction contract	December 1990 (Completed)
Construction completion	January 1992

Special facilities completion and facility start-up ... June 1992
In compliance with final limits July 1992

Outfall 09S

Final design complete March 1991
(Completed)
Advertisement of construction contract January 1992
Award of construction contract March 1992
Construction completion July 1992
Special facilities completion and facility start-up ... July 1992
In compliance with final limits August 1992

Outfall 10S

Final design complete June 1990
(Completed)
Advertisement of construction contract September 1990
(Completed)
Award of construction contract December 1990
(Completed)
Construction completion January 1992
Special facilities completion and facility start-up ... June 1992
In compliance with final limits July 1992

Outfall 12S

Phase I

Phase II

Final Design Complete	July 1990 (Completed)	November 1990 (Completed)
Advertisement of Construction	September 1990 (Completed)	March 1991 (Completed)
Award of Contract	December 1990 (Completed)	May 1991 (Completed)
Construction Completion	June 1992	June 1992
In Compliance with Final Limits	July 1992	N/A

SCHEDULE FOR WASTE STREAM
IDENTIFICATION AND CHARACTERIZATION

<u>Sanitary Outfalls/Industrial Categories</u> (Number of outfalls in parentheses)	<u>Completion Date</u>
01A TA-3 Power Plant (1)-100% Complete	October 1991
02A Boiler Blowdown (2)-100%	
05A H.E. Wastewater (21)-50%	October 1991
06A Photo Wastewater (13)-100%	
128 Printed Circuit Board (1)-100%	
03A Treated Cooling Water (40)-100%	January 1992
04A Non-Contact Cooling Water (49)-50%	
05A H.E. Wastewater (21)-100%	April 1992
02S TA-9 Lagoon (1)-100%	
03S TA-16 Treatment Plant (1)-100%	
01S TA-3 Treatment Plant (1)-100%	July 1992
051 TA-50 Rad Treatment Plant (1)-50%	
07S TA-46N Lagoons (1)-100%	October 1992
12S TA-46S Lagoons (1)-100%	
04S TA-18 Lagoons (1)-100%	January 1993
10S TA-35 Lagoons (1)-100%	
09S TA-53 Lagoons (1)-100%	April 1993
04A Non-Contact Cooling Water (49)-100%	July 1993
051 TA-50 Rad Treatment Plant (1)-100%	
05S TA-21 Treatment Plant (1)-100%	

C. The co-permittee will submit quarterly progress reports beginning September 30, 1991, and continue quarterly until the final compliance date of the compliance schedule.

D. That the Co-permittee shall report all instances of noncompliance with interim effluent limitations in Part A above, in accordance with Part II.D. of NPDES Permit No. NM0028355. During the effective period of this Order,

the Co-permittee need not report instances of noncompliance with those effluent in Part I.A. of the permit for which interim effluent limitations are provided herein. Failure to comply with the interim effluent limitations, constitutes a violation of this Order and the NPDES permit.

E. That all other terms and conditions of the permit are effective as issued and require full compliance.

The effective date of this Order shall be the date it is received by the co-permittee.

DATED: This AUG 29 1991 day of _____, 1991.

/s/ Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)